# Studies on Scipio Africanus

By

Richard Mansfield Haywood

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# STUDIES ON SCIPIO AFRICANUS

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# STUDIES ON SCIPIO AFRICANUS

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TO

W. STUART MESSER

# PREFACE

My purpose is to discuss several unsettled problems connected with Scipio's character and career, not to rewrite his whole biography. Much of his career has been satisfactorily described, especially his military exploits. I have attempted first to analyze the Scipio legend into its component parts and to discover why Polybius formed so strange a conception of Scipio's character. Then I have attempted to discover, chiefly through a study of the relations of the men of the period, the part played by Scipio after his return from Zama in shaping and directing the policies of the Senate. The last chapter is an essay (in the original sense of the word) toward the reconstruction of the legal attacks on Scipio and his brother.

My obligations are many. Eduard Meyer's well-known article in Vol. II of Kleine Schriften has furnished me with fact and stimulation. Münzer's Römische Adelsparteien and Schur's Scipio Africanus are mines of useful information, although I cannot always accept their conclusions. Scullard's Scipio Africanus was especially helpful on the question of the capture of New Carthage, and is a model of common sense. Captain Liddell-Hart's A Greater Than Napoleon apparently was written as a popular book, but has some useful suggestions. I am also indebted to the works of Kahrstedt and DeSanctis, to the chapters by Hallward and Holleaux in Vol. VIII of The Cambridge Ancient History, and to the studies of Mommsen, Fraccaro, and others on the trials of the Scipios. Naturally no contributor to so well-worked a field can trace all his borrowings, conscious and unconscious. I am glad to acknowledge, however, that I am under great obligation to my preceptor, Professor Tenney Frank, for his advice and example.

R. M. H.

# STUDIES ON SCIPIO AFRICANUS

## CHAPTER I

### The Scipio Legend

The men who wrote about Scipio in ancient times have handed down to us a complex legend. We know that he made an unusual impression upon his contemporaries, and to that fact we can ascribe part of what in the legend does not ring true to us. Part we can blame on irresponsible writers. The purpose of this chapter is to follow the tradition and to explain the widely varying strains that compose it.

The first accounts of Scipio that we know about are some to which Polybius refers without naming the authors. He says, with reference to the accounts of Scipio's exploits in Spain,

> As for all other writers, they represent him as a man favoured by fortune, who always owed the most part of his success to the unexpected and to mere chance, such men being, in their opinion, more divine and more worthy of admiration than those who always act by calculation. They are not aware that one of the two things deserves praise and the other only congratulation, the latter being common to ordinary men, whereas what is praiseworthy belongs alone to men of sound judgment and mental ability, whom we should consider to be the most divine and most beloved by the gods. . . . Although authors agree that he made these calculations, yet when they come to the accomplishment of his plan, they attribute for some unknown reason the success not to the man and his foresight, but to the gods and to chance, and that in spite of all probability and in spite of the testimony of those who lived with him, and of the fact that Scipio himself in his letter to Philip explained clearly that it was after making the calculations which I have just recited that he undertook all his operations in Spain and particularly the siege of New Carthage.[1]

The phrase "all other writers" does not enlighten us much as to their identity. However, there were a number of writers who must have treated of Scipio. The history of the Hannibalic War would inevitably involve him, as would a general history of Rome. The historians of some of the Greek

[1] X, 2, 5-7; X, 9, 2-3; the Loeb edition translation.

states must have mentioned him, for he was the leader of the movement to keep Antiochus out of Greece, he spent some time in Greece on the way to Asia in 190, and was considered the real commander of the army that defeated Antiochus. Pergamum, Bithynia, and Rhodes were concerned, as well as the Greeks of Europe and of Asia Minor, so their historians may well have mentioned him. Some of the writers whom Polybius had in mind must have published their work before Scipio wrote his letter to Philip (which was probably about 190) since it was their attitude which occasioned the letter. This view of him arose while he was still alive, then. Other men may have written in the same vein at any time down to the publication of Polybius' tenth book, which seems to have been around 150 B. C.[2]

Let us try to get the names of some of these men. First, we know that some Greeks wrote of Hannibal's exploits.[3] Polybius himself mentions Chaereas and Sosylus with an unnecessarily uncharitable characterization.[4] Silenus, with Sosylus, was in Hannibal's train.[5] A Xenophon,[6] who cannot be dated,[7] and a Eumachus of Naples, who perhaps lived at the time of the Second Punic War,[8] also wrote on Hannibal. Although these men were chiefly interested in Hannibal, they could hardly have failed to offer something about the character and ability of his greatest opponent. We have the names of two Rhodians of Polybius' time, Zeno and Antisthenes;[9] Polybius criticizes them at some length.[10] Rhodes fought with Rome against Antiochus. Mnesiptolemus, who

[2] Gaetano DeSanctis, Storia dei Romani, III (part 1), 205.
[3] DeSanctis, III (part 2), 167-168.
[4] Polybius, III, 20, 5; see Felix Jacoby, "Sosylos," in Pauly-Wissowa, Real-Encyclopädie (henceforth to be referred to as PW), Series II, V, 1204-06.
[5] Cornelius Nepos, Hannibal, 13, 3.
[6] Diogenes Laertius, II, 59.
[7] Wilhelm Schmid, Griechische Literaturgeschichte, VII (part 2, first half), 213.
[8] Athenaeus, XIII, 577a; Eumachus may have been the source for Livy's extraordinarily full account of the operations at Capua in Bk. XXVI; see DeSanctis, II (part 2), 374, and Jacoby, Die Fragmente der griechischen Historiker, IID, 605.
[9] Ed. Schwartz, "Antisthenes" No. 9, in PW, I, 2537.
[10] XVI, 14-16.

lived at Antiochus' court, saw that war from the anti-Roman side.[11] Probably all three made some mention of Scipio. We must infer from Polybius' remarks that he knew a fairly large number of Greek historians of the early and middle second century who discussed Scipio.[12] He tells us that while he was in Rome he had access to the former royal library of Macedonia, which must have been brought to Rome soon after Pydna, and presumably contained the most important histories written before the commencement of Rome's war with Perseus.

A number of Romans wrote history before Polybius' time. Q. Fabius Pictor must have given a full account of Scipio's campaigns.[13] It is rather likely that like Fabius Cunctator he disliked Scipio's personality and disapproved of him as a general; hence he may have represented him as owing his military successes to pure luck, not to praise him, but to belittle him. Of course a man of Fabius' sober sense could not have regarded Scipio as divine. Cato, who was a personal enemy of Scipio, certainly did not glorify him. He too may have ascribed Scipio's victories to chance with the intention of belittling him. Our knowledge of the other Roman historians down to Polybius' day is so slight that we can hardly characterize them. We do know that L. Cincius Alimentus was a senator and an officer in the Second Punic War.[14] His style seems to have been fairly concise and matter-of-fact.[15] It is most unlikely that his attitude toward Scipio was like that of the men whom Polybius had in mind. We know that Ennius wrote rather fully and in a laudatory manner on Scipio,[16] and he may be one of those to whom Polybius refers.[17]

The Roman historians, then, may have described Scipio

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[11] Schmid, VII (part 2, first half), 214.
[12] X, 9, 2-3; XVI, 14; XXXII, 9.
[13] Münzer, "Fabius" No. 136, in PW, VI, 1836 f.
[14] Münzer and Cichorius, "Cincius" No. 5, in PW, III, 2556-57.
[15] Hermann Peter, Historicorum Romanorum Reliquiae, pp. 40-43.
[16] Johannes Vahlen, Ennianae Poesis Reliquiae, pp. 53-57, 212-216.
[17] Ed. Meyer, Kleine Schriften, II, 427, n. 1, is sure that Polybius could not have had Ennius in mind.

in a disparaging way as extraordinarily lucky. The Greek historians regarded his extraordinary luck very differently. Polybius says that all other writers persisted in attributing his successes, particularly that at New Carthage, to "the gods and chance." Even those who came late enough to have known of Scipio's statement to Philip persisted in that view, he tells us. Further, they believed that he was shown to be more admirable and "divine" by having the help of the gods and of chance (Tyche) than he would have been by having engineered his successes by his own ability without such help.

The goddess Tyche was a very important deity in the Hellenistic world.[18] "She was not blind chance, but some order of affairs which men could not comprehend."[19] Tyche played her part in great events and in small ones, in the lives of individuals and of empires. Of course the conception of Tyche varied somewhat with the individual. The more intelligent members of the society of the time probably regarded her as the sort of causation which is beyond human comprehension. The Stoics especially insisted that nothing happens without a cause.[20] The causes of great world movements may elude the historian, or for no apparent reason a man may do some simple act which has important consequences; Tyche represents in either case the cause which must be there. It was to the intervention of Tyche, or this unseen order of things, that these writers ascribed Scipio's brilliant victories.

But according to Polybius they said that he was more "divine" because he was a favorite of Tyche. The idea seems to be that certain men are in step with the uni-

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[18] The Roman Fortuna is not precisely like Tyche, although the word is used to translate the Greek word. "Fortuna in cults—naturally it was otherwise in poetry, which was entirely dependent on Greek models—was not an all-powerful Fate-goddess, but always embodied in an infinite number of specializations only a happy event with reference to a definite activity, time, group of individuals, etc." (Georg Wissowa, Religion und Kultus der Römer, p. 262). See Otto, "Fortuna" in PW, VII, 12-13, and W. H. Roscher, Lexikon der griechischen und römischen Mythologie, I (part 2), 1503.

[19] Wm. W. Tarn, Hellenistic Civilization, p. 280.

[20] Ed. Zeller, The Stoics, Epicureans, and Sceptics, pp. 160 ff.

verse, and that the unseen order of things is constantly working for them. So, since it seemed that "the stars in their courses fought for Scipio," our authors concluded that there was something of divinity in him.

We cannot be sure that Scipio's soldiers regarded him as somewhat divine because of his good fortune and unvarying success, but it is likely. It may be that the conception of *felicitas* was current in Scipio's day, although our earliest evidences of the cult are later.[21] The first temple to Felicitas was not dedicated until shortly after 146 B. C.[22] The conception is much the same as that entertained by the authors whom Polybius was criticizing; the man who is always attended by good luck, who is *felix,* must enjoy the support of some superhuman power.

Cicero, in his speech "On The Manilian Law," brings up this very point.[23] He mentions *felicitas* as one of the four most necessary attributes of a great commander, citing Scipio as a commander to whom it had especially been attributed, then goes on to explain, in guarded but suggestive language, that Pompey has had such help from the gods as no man dare hope for or expect. The inference is left for his hearers to draw for themselves: that Pompey was a favorite of the gods and perhaps somewhat divine himself. Pompey's soldiers doubtless believed that he was under the especial care of the gods, if not divine, and a good many of his former soldiers must have been in Cicero's audience. It is likely that Scipio's soldiers too regarded their commander as divinely favored. Their conception was much like that of the Greek historians, but not the same.

Scipio's own letter to Philip of Macedon shows how widespread this view of him was. Polybius says, "Although authors agree that he made these calculations, yet when they come to the accomplishment of his plan, they attribute for some unknown reason the success not to the man and his

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[21] Otto, "Felicitas," in PW, VI, 2163-66.

[22] Samuel B. Platner and Thos. Ashby, A Topographical Dictionary of Ancient Rome, p. 207, art. "Felicitas; Aedes."

[23] De Imperio Cn. Pompeii, 28, 47-48.

foresight, but to the gods and to chance, and that in spite of all probability and in spite of the testimony of those who lived with him, and of the fact that Scipio himself in his letter to Philip explained clearly that it was after making the calculations which I have just recited that he undertook all his operations in Spain and particularly the siege of New Carthage." [24]

This letter was doubtless written about the year 190, when the two men became acquainted. It shows us that the report of Scipio's superhuman good fortune had got abroad early and must have had some weight, since a man of such education and military ability as Philip took it seriously enough to ask Scipio to comment on it. It is worth noting that Scipio's reply was a detailed account of his calculations. Especially was it true, he said, that the operations at New Carthage were carefully planned. That spectacular exploit must have seemed most " divine " of all.

This amounts almost to apotheosis. These authors apparently did not say flatly that he was a god, but they hinted at it broadly enough to irritate Polybius. Their view was fairly authoritative when Philip asked for Scipio's version, only twenty years after the fall of New Carthage, and confronted Polybius when he was writing, some forty years later. We must be careful not to attribute too much to them. Although they adopted a view of Scipio which a modern must consider irrational, Polybius' words do not indicate that they (or some one of them) originated such stories as those of his divine parentage and his daily visit before daybreak to Jove's temple, which were current later.

We need not believe that it was only Scipio's soldiers and some Greek historians who regarded Scipio as more than human. It may well be that while he was in Greece he underwent an apotheosis like that of Flamininus. There is evidence, too, that a similar idea of him was current in Rome, although in less definite form. Flamininus, according to Plutarch, was proclaimed a god by the people of

[24] X, 9, 2-3.

Chalcis. He was not the first man to be deified while alive by the Greeks, but he was the first Roman, so far as we know.[25] Lysander is said to have been the first to receive divine honors while living. After Flamininus' time a number of Romans were so honored by the Greeks. The Greeks invented a goddess Roma to represent the state, since it had no king, and built a cult around her.[26] The Roman officials in Athens in the second half of the second century regularly received divine honors in connection with this goddess. Flamininus remains the sole example in the early part of the century, however, of a Roman's being accorded divine honors.

In view of this tendency it is probable that the Greeks deified Scipio, but we have no proof. When we consider, however, that he was the first citizen of Rome, that he procured a truce for the Aetolians,[27] thereby, of course, pleasing the Athenians, and that he was the author of the movement to keep Antiochus out of Europe,[28] the possibility seems strong. Whether or not this current of thought had anything to do with the one that would have seen divinity in Scipio's good fortune is hard to tell. Perhaps we can safely say that it blurred the distinction between the human and the divine, making it easier to cross the line in the case of the man who was unusually fortunate. At any rate, we know that some writers came near to apotheosizing him and that there is reason to suspect that he received an apotheosis in Greece like that of Flamininus.

Perhaps in Tiberius Sempronius Gracchus' speech during one of the legal attacks on the Scipios we can catch the reflection of a partly similar current of thought in Rome. Gracchus, according to Livy, chided Scipio for trying to override the tribunes and free his brother forcibly from the hands

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[25] Flamininus, 16. The Marcellia at Syracuse spoken of by Cicero (Verres, IV, 151) indicate that Marcellus had received such honors from the Greeks of that city.

[26] Wm. S. Ferguson, "Legalized Absolutism En Route from Greece to Rome," in American Historical Review, XVIII, 38.

[27] Livy, XXXVII, 6, 4-7, 7.

[28] Livy, XXXIV, 43, 3-6.

of the law. It was to be regretted, he said, that Scipio had so "degenerated from himself."

Once upon a time he had reprimanded the people because they wanted to make him consul and dictator for life; he had kept them from putting statues of him in the comitium, on the rostra, in the curia, on the Capitolium, and in the *cella Iovis*; he had kept them from decreeing that his *imago* should be brought from Jupiter's temple for funeral processions.[29]

If the story be true, it is significant. Mommsen,[30] followed by Meyer,[31] maintains that Livy innocently took it from an anti-Caesarian pamphlet containing what purported to be a speech of Gracchus, but was really a forgery, composed and circulated to shame Caesar out of accepting or keeping the various extraordinary honors mentioned. The argument is this: Scipio would not have laid hands on a tribune; we know that Caesar once did. The plebs of Scipio's day could not have thought of bestowing such honors on any man; they actually were bestowed on Caesar. Mommsen believes that the pamphlet was circulated in 49 to counteract the talk of a dictatorship; Meyer believes that it was circulated about 44 to induce him to resign his dictatorship. The fact that Scipio's *imago* actually was in the *cella Iovis* [32] lent point to the pamphlet, since the honor which he had refused must have been given to him anyway after his death by a grateful nation. Further, he was the earliest representative of the Caesarian tendency, which made him a better example of early continence.

Let us consider these arguments. In the first place, what way is there of knowing that Scipio would not have laid hands on a tribune? He was not contemptuous of the constitution ("von caesarischen Tendenzen," as Mommsen puts it), but it is impossible to say with certainty that he would not have touched a tribune when, after repeated attacks, he found his brother once more called to account and on the way to prison. This argument were better rejected.

[29] Livy, XXXVIII, 56, 10-13.
[30] Th. Mommsen, Römische Forschungen, II, 502 ff.
[31] Ed. Meyer, Caesar's Monarchie, pp. 531 ff.
[32] Valerius Maximus, VIII, 15, 1; Appian, Iberia, 23.

The other argument is that the attitude of the people does not fit into the context; it is abhorrent to the spirit of Scipio's time. If we think of Fabius Cunctator or of the Senate in general as representing the age, it seems that such a proposal surely was impossible. However, we have the populace and the tribunes to consider, not the Senate. The Hannibalic War was a tremendous strain on the Roman people and their allies. The great weariness with the war was doubtless one of the reasons why Scipio was allowed to go to Africa. His prorogations and votes of confidence from the people show that they believed in his ability to end the long fight and intended to keep him at it.[33] The suspense heightened when Hannibal left Italy,[34] and when it finally was known that Scipio had defeated him conclusively, there must have been a wave of feeling toward the victorious general that we can hardly imagine.

The attitude of the people was not that which we generally associate with the name "Roman." We admire their perseverance and fortitude in bringing such an awful war to a successful close, but we hear a note new in Roman history—a running after new and strange gods, the reporting of innumerable prodigies, and a growth of the less rational manifestations of religion.[35] Would it be surprising, then, if a tribune advanced the proposal to pay Scipio honors that no Roman had ever had, proposing besides to entrust the state to him? The proposal was extreme, but it is not obviously impossible for the people to have been moved to it at such a stirring time. After all, it was only once.

The passage in Livy is an interesting one. It looks as if someone had called his attention to the orations of Scipio and Gracchus and he had inserted a section into the account that he had already written. Cicero says that no works of Scipio[36] or of Gracchus[37] had survived to his day. How-

[33] Livy, XX, 27, 1-4; XXX, 40, 7-11; XXX, 43, 1-5.

[34] Livy, XXX, 28; on his homecoming from Africa see ch. iii, n. 1 and text.

[35] W. Warde Fowler, The Religious Experience of the Roman People, ch. xiv.

[36] De Officiis, III, 4; Brutus, 77.

[37] Brutus, 79.

ever, at the time when Cicero wrote Varro had not yet made his collection for Caesar's new library,[38] and it may well be that during his researches he unearthed these speeches.

It is hard to see how Gracchus' speech passed for genuine in Livy's day if it was a forgery. Later the practise of inventing speeches in the schools made it more possible for invented speeches to pass as genuine. Livy at first expresses doubt about the authorship of the speeches, but he concludes that those authors are to be followed into whose story it (Gracchus' speech) fits well, then gives a sketch of the events on that basis. The genuineness of the oration, then, is supported by the testimony of some of Livy's other sources. It must be noted that although he speaks of the *index* of Scipio's speech, he makes no mention of the *index* of Gracchus' speech. This, in connection with his manner of reporting it, allows room for a suspicion that he may not have seen the speech itself, but only an annalist's report of it. If this be the case, we cannot believe that we have a wholly faithful report of it, but we need not reject it entirely.

If Livy is right here, we have an interesting example of the feeling toward Scipio. This outburst referred to by Gracchus reveals that at that moment, at least, Scipio was in the popular mind all that a man can be without being a god incarnate. Perpetual consulship and dictatorship by the decree of the Roman people would indeed have been a gift hardly to be bestowed upon a mere man, and the proposal to put his statue in the *cella Iovis* seems to indicate that he was regarded as almost more than human.

Beside the strain of apotheosis is one of heroizing. Our first evidence of it is in the epitaph which Ennius composed for Scipio:

> Si fas endo plagas caelestum ascendere cuiquam est,
> Mi soli caeli maxima porta patet.[39]

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[38] Schanz-Hosius, Römische Literaturgeschichte, VIII (part 1), 555.

[39] Lactantius, Divinae Institutiones, I, 18. The argument of Andrew R. Anderson, "Heracles and His Successors," in Harvard Studies in Classical Philology, XXXIX, 31-37, following Elter, that Ennius attempted to deify Scipio, is not convincing. The possi-

Cicero's comment, "Est vero, Africane, nam et Herculi eadem ista porta patuit," which Lactantius has preserved for us, and Lactantius' own comment on the words of Ennius and of Cicero indicate that Ennius intended to make a hero of him.

What was a hero?[40] The conception was Greek and had a large range. Hercules, Lycurgus, Agamemnon, the Dioscuri, the men of Marathon—all were heroes. The heroes had their altars and received public sacrifices, as did the gods, but all the heroes had originally been men, and "in actual ritual the distinction between hero and the gods of the upper world was sharply maintained, and too palpable for one to be confused with the other."[41] The cults of heroes were official, however; a hero was made such not by popular feeling alone, but by the state's taking over the cult from his family.

The process of heroization continued actively in Greece in the historic period, even to the time of Scipio and Ennius.[42] Lycurgus and Brasidas became heroes. The dead in some of the great battles, poets and philosophers, and, for a while, leading athletes were made heroes. Heroization came after death and is not synonymous with the apotheosis of the living.[43] The honors paid to Flamininus during his lifetime, for instance, were not heroization.[44] Apotheosis of the living was not congenial to the Greek mind until the Hellenistic period,[45] but heroization flourished from early times.

The concept of the hero probably was not native to the

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bility remains, however, in spite of the strong evidence for heroization, that Ennius intended to deify him. "In plagas caelestum ascendere" could be said of only a few of the greater heroes.

[40] Lewis R. Farnell, Greek Hero Cults and Ideas of Immortality; Lily R. Taylor, The Divinity of the Roman Emperor (Middletown, Connecticut, Am. Philological Assn., 1931), pp. 7-10.

[41] Farnell, p. 95.

[42] Farnell, ch. xiii.

[43] Taylor, p. 9.

[44] A recently-discovered inscription of Gytheum (Revue Archeologique, XXIX, 84-85, 94-96) seems to indicate, however, that he was worshipped as hero there.

[45] Farnell, p. 368.

Romans, although we find Romulus mentioned as a hero.[46] The Greeks seem to be responsible for such heroes as we find at Rome. So it was with the mythical Latinus, the eponymous founder of the Latin race. Since his remains had not been preserved and there was no cult, he was said to have been translated to Heaven and was identified with Jupiter Latiaris. So with Aeneas, who was identified with Jupiter Indiges. Romulus was identified with Quirinus. All this seems to have been under Greek influence; the practise was not Roman.[47]

There are three reasons why Ennius, as we know him, is likely to have regarded Scipio as a hero. In the first place, Ennius was not a Roman,[48] but came from near Tarentum, a Greek region where hero cults flourished,[49] and probably was educated at Tarentum. From his childhood on the conception of the hero must have been familiar to him. Another fact that would dispose him toward regarding Scipio as a hero was that he was a close friend of the great man.[50] We know that he devoted to him a separate work called "Scipio."[51] Unfortunately, almost none of it has been preserved and it cannot be dated.[52] It is possible that he wrote it after Scipio's death with somewhat the feeling that Plato had for Socrates.

The third point is that Ennius considered Romulus a hero and may in fact have originated the idea. At least the well-known lines of the *Annales* are the first mention we have of Romulus as hero:

> Unus erit quem tu tolles in caerula caeli
> Templa . . .[53]
> Pectora . . . tenet desiderium, simul inter
> Sese sic memorant, 'o Romule, Romule die,

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[46] Friedrich Pfister, Bursian's Jahresbericht, CCXXX, 378; idem, Der Reliquienkult im Altertum, II, 604 ff.
[47] Taylor, pp. 45-46.
[48] Schanz-Hosius, VIII (part 1), 87.
[49] Giulio Giannelli, Culti e miti della Magna Grecia, pp. 1-43.
[50] Cicero, Pro Archia, 22.
[51] Vahlen, pp. 212-214.
[52] Schanz-Hosius, VIII (part 1), 96.
[53] I, 65 (Vahlen).

Qualem te patriae custodem di genuerunt!
O pater o genitor o sanguen dis oriundum!
Tu produxisti nos intra luminis oras',[54]
Romulus in caelo cum dis genitalibus aevum
Degit.[55]

Ennius could have heroized Scipio, then, but the epitaph and the comments on it are our only evidence. Cicero seems to recognize that the epitaph is heroizing when he says, "Est vero, Africane, nam et Herculi eadem ista porta patuit." Hercules was one of the chief heroes; if Scipio was compared to him, it must have been as a hero.

We have more of what Lactantius said:

Hoc loco refellendi sunt etiam ii qui deos ex hominibus esse factos non tantum fatentur, sed ut eos laudent, etiam gloriantur, *aut virtutis gratia ut Herculem aut munerum ut Cererem ac* Liberum aut artium repertarum ut Aesculapium ac Minervam. . . . Ille autem qui infinita hominum milia trucidarit, cruore campos inundaverit, flumina infecerit, non modo in templum, sed etiam in caelum admittitur. Aput Ennium sic loquitur Africanus:

Si fas endo plagas caelestum ascendere cuiquam est,
Mi soli caeli maxima porta patet.

Scilicet quia magnam partem generis humani exstinxit ac perdidit. . . . Cui vanitati etiam Cicero adsensit. Est vero, inquit,

and so on.[56]

He says *deos*, but it is plain that he means heroes, since the deification comes as a reward for services to mankind. He says plainly that Ennius believed that Scipio had joined the company of the immortals and that Cicero agreed. It is interesting to find that the idea had not vanished by Cicero's day. There is no evidence that it ever attained currency, however; the authority of Ennius may have kept it alive as a purely literary idea. Cicero chose to take Ennius seriously in "The Dream Of Scipio," where his whole tone was one of mysticism, but we need not assume that he sincerely regarded Scipio as a hero of the Greek type.

It may well be that Scipio's family regarded him as more than human and encouraged Ennius to speak of him as a hero. Africanus and his brother both spent some time in Sicily and they may have acquired there some religious con-

[54] I, 110-114. [55] I, 115-116. [56] Divinae Institutiones, I, 18.

ceptions which were not Roman. The study of the tomb of the Scipios has made it seem probable that the family was of Etruscan stock and persisted in Etruscan ways of thinking.[57] More definite evidence is the letter of Cornelia, Scipio's daughter, to her son Gaius Gracchus. "Sed si omnino id fieri non potest," she says, "ubi ego mortua ero, petito tribunatum; per me facito quod lubebit, cum ego non sentiam. Ubi mortua ero, parentabis mihi et invocabis deum parentem. In eo tempore non pudet te eorum deum preces expetere, quos vivos atque praesentes relictos atque desertos habueris?"[58] If Cornelia could use the expression, "eorum deum preces expetere," she probably had a conception of the dead rather unusual for her time and regarded her father as distinctly more than human.

Unfortunately it has been impossible to preserve the strict order of time in discussing the literary evidences. The writers of whom Polybius speaks come first, then Scipio's letter, then the speech of Gracchus (if it be genuine), then the epitaph by Ennius. Cicero and Lactantius come considerably later, of course, but their words seem to bear upon the epitaph without reflecting any later theory of Scipio's significance. Cornelia's letter was probably written two or three decades after Polybius' tenth book.

Polybius, writing about 150 B. C., gave the tradition an entirely new turn; he denied that there was anything divine about Scipio unless we can say that an extraordinarily intelligent and able general is divine. All the stories of omens and divine help, he said, could be explained by Scipio's ingenuity in making his soldiers believe that he was divinely inspired so that they would fight better.[59] This new turn to the tradition, which will be the subject of the next chapter, has given the keynote for all the succeeding characterizations of Scipio until this century.

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[57] Paul Nicorescu, "La tomba degli Scipioni," in Ephemeris Dacoromana, I, 1-56. See Livy, XXVIII, 45, 14.

[58] To be found at the end of the Oxford edition of Cornelius Nepos; see Taylor, p. 49, and on its authenticity see E. von Stern, "Tiberius und Gaius Gracchus," in Hermes, LVI, 273, n. 1, and Ed. Meyer, Kl. Schr., I, 368-371.

[59] X, 2, 8-13; X, 4-5.

Polybius found the talk of his predecessors about Scipio's divinity most unsatisfactory. In the first place, Polybius' nature was the opposite of the mystic. Religion to him was nothing more than a means of guiding the populace.[60] The gods were merely useful fictions. When he says, ". . . what is praiseworthy belongs alone to men of sound judgment and mental ability, whom we should consider to be the most divine and most beloved by the gods," he is using "divine" and "beloved by the gods" in the popular sense. Besides, he was more careful than his predecessors about cause and effect. The Hellenistic historians in general were not scrupulous about logic or about accuracy of fact. Not only did Polybius have sources of information on Scipio's career denied to them, but he had the intention of sifting and weighing his material and writing a history that should be accurate, if not thrilling.[61] He concluded that in many cases their work was superficial. Where they had referred events to "the gods and chance," he had been able to deduce an intelligible cause. The capture of New Carthage is probably his chief instance.

Polybius did believe in chance,[62] or Tyche, but it was as an unseen order of things, not the goddess of popular belief. He believed that events should be thoroughly investigated and ascribed to chance only if it can be demonstrated that no human volition was responsible. He was sure that with Laelius' help he had arrived at the true explanation of the so-called miracle at New Carthage. His attitudes toward religion and toward facts, then, made the view of his predecessors distasteful to him. By rejecting it completely and searching for causes he helped to clear the stream of the tradition, but, on the other hand, by his famous comparison of Scipio with Lycurgus he caused confusion.

Before the beginning of our era the tradition received a startling accretion. Somebody started the story that Scipio

[60] VI, 56, 6-12.
[61] III, 31, and the passages already quoted.
[62] Walther Siegfried, Studien zur geschichtlichen Anschauung des Polybios, pp. 47-90.

was the son of Jove, who had appeared to his mother in the form of a serpent, and that it had been his lifelong custom to go to the Capitol every morning just before dawn to sojourn for a while alone in the *cella Iovis.* The story appears in Oppius, Hyginus, Livy, Valerius Maximus (who took it from Livy), Appian, and "De Viris Illustribus."

Appian, after telling about the capture of New Carthage, says,

> Having taken this rich and powerful city by audacity and good fortune in one day (the fourth after his arrival), he was greatly elated and it seemed more than ever that he was divinely inspired in all his actions. He began to think so himself and to give it out to others, not only then, but all the rest of his life, from that time on. At all events, he frequently went into the Capitol alone and closed the doors as though he were receiving counsel from the god.[63]

We find this anecdote elsewhere, and with it one which Appian apparently preferred to ignore. Aulus Gellius reports it:

> Quod de Olympiade, Philippi regis uxore, Alexandri matre, in historia Graeca scriptum est, id de P. quoque Scipionis matre, . . . memoriae datum est. Nam et C. Oppius et Iulius Hyginus aliique, qui de vita et rebus Africani scripserunt, matrem eius diu sterilem existimatam tradunt, P. quoque Scipionem, cum quo nupta erat, liberos desperavisse. Postea in cubiculo atque in lecto mulieris, cum absente marito cubans sola condormisset, visum repente esse iuxta eam cubare ingentem anguem eumque his qui viderant territis et clamantibus elapsum inveniri non quisse. Id ipsum P. Scipionem ad haruspices retulisse; eos, sacrificio facto, respondisse, fore ut liberi gignerentur, neque multis diebus postquam ille anguis in lecto visus est, mulierem coepisse concepti fetus signa atque sensum pati; exinde mense decimo peperisse natumque esse hunc P. Africanum, qui Hannibalem et Carthaginienses in Africa bello Poenico secundo vicit. Sed et eum inpendio magis ex rebus gestis quam ex illo ostento virum esse virtutis divinae creditum est.
>
> Id etiam dicere haut piget, quod idem illi, quos supra nominavi, litteris mandaverint, Scipionem hunc Africanum solitavisse noctis extremo, priusquam dilucularet, in Capitolium ventitare ac iubere aperiri cellam Iovis atque ibi solum diu demorari, quasi consultantem de republica cum Iove, aeditumosque eius templi saepe esse demiratos, quod solum id temporis in Capitolium ingredientem canes semper in alios saevientes neque latrarent eum neque incurrerent.[64]

The story is becoming complicated. Livy accepted the story of the visits to the temple, apparently because he had

[63] Iberia, 23; the Loeb edition translation. [64] VI, 1.

accepted Polybius' theory that Scipio pretended to enjoy divine inspiration for practical reasons, and made use of it as an example of Scipio's method of imposing upon the credulous. He tartly rejected the serpent story. He says,

Fuit enim Scipio non veris tantum virtutibus mirabilis, sed arte quoque quadam ab iuventa in ostentationem earum compositus, pleraque apud multitudinem aut ut per nocturnas visa species aut velut divinitus mente monita agens, sive et ipse capti quadam superstitione animi, sive ut imperia consiliaque velut sorte oraculi missa sine cunctatione exsequerentur. Ad hoc iam inde ab initio praeparans animos, ex quo togam virilem sumpsit, nullo die prius ullam publicam privatamque rem egit, quam in Capitolium iret ingressusque aedem consideret et plerumque solus in secreto ibi tempus tereret. Hic mos, quem per omnem vitam servabat, seu consulto seu temere vulgatae opinioni fidem apud quosdam fecit stirpis eum divinae virum esse, rettulitque famam in Alexandro Magno prius vulgatam, et vanitate et fabula parem, anguis immanis concubitu conceptum, et in cubiculo matris eius visam persaepe prodigii eius speciem interventuque hominum evolutam repente atque ex oculis elapsam.[65]

The alleged visits to the temple can hardly be genuine.[66] Meyer points out that all of Scipio's great deeds were done away from Rome, so that he could not have visited the temple before them.[67] That is a good point, but we can see that Livy introduced the detail that he did it from earliest manhood before every act, public and private, to make it a good illustration of Scipio's pretenses of inspiration. Scipio could not have gone to the temple before his great deeds, but we may allow the physical possibility that he went often or daily during the years he spent in Rome and that this story somehow grew from that fact.

However, a man of those times probably would not have gone to the temple for meditation and prayer. It was not the old Roman conception of what one did in a temple. The

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[65] XXVI, 19, 3-9. The story appears finally in De Viris Illustribus, 49, 1-4 (ed. Pichlmayr): "Publius Scipio ex virtute Africanus dictus, Iovis filius creditus: nam antequam conciperetur, serpens in lecto matris eius apparuit, et ipsi parvulo draco circumfusus nihil nocuit. In Capitolium intempesta nocte euntem nunquam canes latraverunt. Nec hic quicquam prius coepit, quam in cella Iovis diutissime sedisset, quasi divinam mentem acciperet."

[66] Taylor (p. 55) suggests that it was the invention of a soul-weary populace looking for a savior.

[67] Kl. Schr., II, 438.

attitude attributed to Scipio is not plausible for that period. As Warde Fowler says,

> The idea of conforming his life to the will of any of these *numina* would, of course, be absolutely strange to him—the expression would have no meaning whatever for him. The help which he sought from them was not moral help, but material.[68]

The first occurrence of either of these stories is in Oppius, where both occurred. It is possible that Oppius' intention was to support Caesar's pretension to divinity. He was a supporter of Caesar, and there was a war of pamphlets on between the Caesarians and the anti-Caesarians at the time.[69] Perhaps he lent what authority he could to these stories and tried by innuendo to make them apply to Caesar. On the other hand, Gellius says that he wrote about the life and deeds of Scipio, so it is possible that he was merely writing a biography; the title of his work might be expected to have been rather different if propaganda for Caesar's divinity was his purpose.

A more interesting question than Oppius' intentions is where he got the material. It is not likely that as a Roman, writing for Roman readers, he would invent such tales, even if his intention was to glorify Caesar. Livy's repeating the stories suggests that Claudius or Valerius Antias might have given them. Livy would hardly have let pass the opportunity to name the credulous author of the serpent story in rejecting it had the author been one of those two.[70] Probably Livy's source was Oppius or Hyginus; in other words, these stories probably did not come through the regular channel for most of the history of Scipio's time.

Meyer suggests that some Greek romancer was responsible for all the talk of the supernatural in our tradition and places him before Polybius.[71] The words of Polybius, however, do not support him. We cannot conclude from a literal reading of the passages discussed earlier in this chapter that

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[68] Religious Experience, pp. 364-365. On pp. 241-242 he tries to explain this story by wrenching it out of its context.

[69] Schanz-Hosius, VIII (part 1), 350.

[70] Heinrich Nissen, Kritische Untersuchungen, p. 44.

[71] Kl. Schr., II, 435 ff.

these two stories formed part of the tradition with which Polybius was conversant. This eliminates the other important channel for the history of Scipio's time. The royal library of Macedonia, to which Polybius had access in Rome, probably was fairly complete down to the time of Perseus' war with Rome. It is possible that some Greek romancer-historian had started these stories by then and that they had not come to Polybius' notice; perhaps they had such an origin at some time after Polybius wrote and before Oppius. At any rate, a Greek was probably the author, for the ideas are distinctly oriental, not Roman. The serpent's visit is obviously borrowed from the Alexander legend, and we can imagine how the visits to the temple were suggested by Alexander's famous visit to the temple of Ammon. Oppius could have gotten the stories from a Greek, although we cannot suggest any one man as the author. Perhaps the original work was brought to Rome in Sulla's day.

Hyginus "and others who wrote about the life and deeds of Scipio" gave the same story as Oppius, according to Gellius. Hyginus, a freedman, was librarian of the Palatine Library under Augustus and wrote extensively, but not critically, on much the same subjects as had interested Varro.[72] We know of a book of his on illustrious men; Scipio's biography was not his only effort along that line. It is possible that he was trying to exalt Augustus as Oppius did Caesar, but it is not likely, since it would hardly have been in accord with Augustus' public policy. It is more likely that he liked the story and put it in, since he is said to have introduced marvels even into his books on bees. So much for Scipio's daily sojourn in the temple and Jove's visit to his mother. With some confidence we can call this a late excrescence on the tradition and one that has nothing to do with the man.

One more detail appears to puzzle us. Valerius Maximus says, "Imaginem in cella Iovis Optimi Maximi positam habet, quae, quotienscumque funus aliquod Corneliae gentis

[72] Tolkiehn, "Iulius" No. 278 in PW, X, 628-630.

*celebrandum est, inde petitur, unique illi instar atrii Capitolium est.*"[73] Appian gives much the same story. "Even now," he says, "in public processions they bring the image of Scipio alone out of the Capitol, all the others being taken from the Forum" (a mistake for "from their homes to the Forum").[74]

It is indeed unfortunate that Valerius Maximus is not a more reliable author. To be sure, he gives this as fact, the result of his own observation, but even so we cannot accept it whole-heartedly. There is no way of proving him wrong, however, and it is perhaps best to assume that his observation was accurate and to discuss his statements as true. He tells us (1) that it was an *imago* (2) in the *cella Iovis* (3) as it were in the *atrium* of his house, and (4) that Scipio was the only man so honored. We must reject Roscher's theory that "*imago*" means, not the mask of the dead, but a statue dedicated by Scipio himself and put outside the temple, not in the *cella.*[75] There is no evidence that he was regarded as a "*sunnaos theos,*" like Caesar.[76] Meyer suggests that after his death his divine origin was recognized by his family and by the State.[77] The State surely would not have deified him shortly after his death, when the Senate was so opposed to any undue glorification of the individual. The honors which Gracchus said were proposed were not deification, although they did imply that he was more than human. It is difficult to see how anyone except the ruler could have been deified in later times or what would have furnished the interest in Scipio that would have led to his deification.

We have already seen that the Cornelian family entertained some unusual religious ideas. It may be that we have here another manifestation of that tendency in them. They were united in believing Africanus one of the greatest men of history. Ennius and others had considered him more than

[73] VIII, 15, 1.
[74] Iberia, 23.
[75] Lexikon, II, 730.
[76] Arthur D. Nock, "Sunnaos Theos," in Harvard Studies in Classical Philology, XLI, 1-2.
[77] Kl. Schr., II, 434.

a man, and, so far as we can judge from her letter to her son, his daughter Cornelia shared that view. The family might well have decided to dedicate his *imago* to Jove instead of placing it in the *atrium* of the house, and such a dedication need not have given offense to the ruling oligarchy. The possibilities are too many and the evidence too scant, however, to warrant a confident conclusion.

We can see, then, that "the legend" is not unified, but is composed of a number of distinct elements. It is not a faithful picture of Scipio and of his impress upon his own times. Once we realize what proportion of it really has to do with the man and his works, we are in position to form a clearer and fairer conception of him.

## CHAPTER II

### Polybius' Judgment of Scipio

What are we to believe about Scipio's character? Did Polybius judge him correctly when he called him a clever and calculating manipulator of men who made his soldiers believe that he was divinely inspired so that they would be a better tool in his hands? Are some recent historians better judges when they say that he was a mystic who really believed that he enjoyed Heaven's especial favor and help? Probably each of these views contains a modicum of truth. Scipio probably was religious in the manner of his day, but not a mystic. He probably knew that his soldiers considered him divinely favored and did not discourage their belief, but he did not arrange seeming miracles to convince them of his inspiration.

It is generally agreed nowadays that Polybius is wrong,[1] but it is not easy to see how he went astray. He gives his judgment of Scipio in connection with his account of the capture of New Carthage.[2] The great problem for him in the story of that affair was whether Scipio owed his success to luck or to his own ability. His decision was that Scipio's ability was the cause and that what seemed to be divine help was only the ordinary workings of Nature skilfully utilized by the ingenious general to make himself seem divinely favored.

Polybius' chief sources for the capture of New Carthage and for the character of Scipio were Laelius,[3] Scipio's letter to Philip of Macedon,[4] and an account of the battle which

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[1] DeSanctis, III (part 2), 452; B. L. Hallward, "Scipio and Victory," in The Cambridge Ancient History, VIII, 84; Howard H. Scullard, Scipio Africanus in the Second Punic War, p. 18; Werner B. Schur, Scipio Africanus und die Begründung der römischen Weltherrschaft, p. 4 and passim; all have helped me materially on this chapter; I am also indebted to R. Laqueur, "Scipio Africanus und die Eroberung von Neukarthago," in Hermes, LVI, 131-225, for various keen observations, although I cannot share his conclusions.

[2] X, 2-20.

[3] X, 3, 2.

[4] X, 9, 3.

was perhaps written by Silenus.[5] He visited the spot himself,[6] read in other authors, and talked to other men beside Laelius. He is said to have been cognizant of "the legend."[7] With such material at his command Polybius ought to have given us a full and accurate portrait of Scipio. We should naturally assume that his judgment of Scipio's character rested upon a considerable amount of evidence, but an examination reveals that he had practically no evidence for his theory that Scipio, like Lycurgus, pretended to divine inspiration for practical purposes.

Naturally Polybius found no statement in Scipio's letter to Philip to the effect that he had pretended to divine inspiration to make his army fight better for him. Polybius gives Laelius as authority for the story of Scipio's election to the aedileship, one instance of such pretensions, and as a corroborating authority for the story of the New Carthage exploit, another instance.[8] There the list ends. We have no other even apparently authentic instance of behavior of Scipio's that can be construed as an attempt to make men believe that he was inspired, in spite of the fact that there were so many occasions when a rousing miracle would have been useful, as when he appeared to the mutineers at Sucro.[9]

There is no such incident reported in those parts of Polybius' history which have come down to us. We should expect Livy to give any that were in the lost parts of Polybius, since he accepted Polybius' theory of Scipio's character,[10] but he gives none. He does say that Scipio had been accustomed from his youth on to pretend to inspiration.

Fuit enim Scipio non veris tantum virtutibus mirabilis, sed arte quoque quadam ab iuventa in ostentationem earum compositus, pleraque apud multitudinem aut ut per nocturnas visa species aut velut divinitus mente monita agens, sive et ipse capti quadam superstitione animi, sive ut imperia consiliaque velut sorte oraculi missa sine cunctatione exsequerentur.

Livy gives one rather doubtful example of this practise, the

[5] Ulrich Kahrstedt in Otto Meltzer, Geschichte der Karthager, III, 292.
[6] X, 11, 4.
[7] Meyer, Kl. Schr., II, 433 ff.
[8] X, 4-5.
[9] XI, 25-30.
[10] XXVI, 19, 3-9.

visits to the temple, and we may dismiss his mention of the many other instances as mere rhetoric.[11]

Valerius Maximus might be expected to offer us an instance or two of such behavior on Scipio's part under such headings as "De Ominibus" or "De Prodigiis," but we find nothing of the sort in his work. Cassius Dio tells of a portentous serpent that appeared during the African campaign, but he says that upon its appearance Scipio spoke of Jove's visit to his mother in serpent form.[12] Evidently someone was moved by the story of the divine parentage to invent this story, so that it probably is later than Polybius. It seems to show the influence of Polybius' theory as well. Dio's story of Scipio's vaticination in Spain betrays the same or a similar source, for his "divine father" is mentioned there, too.[13] Dio's sources were of the sort where such anecdotes would be found.[14] Gellius gives a similar story of a prophecy in connection with the stories of Scipio's divine parentage and of his visits to the temple.[15] Probably the three were originated at about the same time and in the same spirit.

Appian seems to have taken his account of the events in Spain at least partly from an annalist who believed in Polybius' theory of Scipio's character, but who was not afraid to invent examples of his own to illustrate the theory (as is shown by his anecdote in chapter 26, which contradicts Polybius) and who, like Livy, was willing to allow the possibility that Scipio believed himself inspired. Possibly Appian here rests upon Coelius, who seems to have been interested in the religious and the supernatural, although, as we saw in the preceding chapter, there is some evidence that these tales of the supernatural in Scipio's life did not come down through the annalistic channels.

The three references in Appian are worth quoting.

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[11] If the conclusions reached in the first chapter are sound, the story of Scipio's visits to Jove's temple is not true and did not arise until after Polybius' time.

[12] Frg. 57, 63 (Boissevain).

[13] Frg. 57, 48 (Boissevain).

[14] Schwartz, "Cassius" in PW, III, 1694-96.

[15] VI, 1, 7.

(1) The report spread immediately through all Spain, wearied of the Carthaginian rule and longing for the virtue of the Scipios, that Scipio the son of Scipio had been sent to them as general, by divine providence. When he heard of this report he pretended that everything he did was by inspiration from heaven.[16]

(2) Having taken this rich and powerful city . . . he was greatly elated and it seemed more than ever that he was divinely inspired in all his actions. He began to think so himself and to give it out to others, not only then, but all the rest of his life, from that time on. At all events, he frequently went into the Capitol alone and closed the doors as though he were receiving counsel from the god.[17]

(3) Accordingly he sacrificed, and bringing the soldiers to an audience immediately after the sacrifice, and putting on again the look and aspect of one inspired, he said that the customary divine sign had appeared to him and conjured him to attack the enemy. It was better, he said, to trust in heaven than in the size of his army, because his former victories were gained by divine favour rather than by numerical strength.[18]

And so on.

Whoever the originator of these three stories was, he did not bother to invent more instances for Scipio's later life; these three are all that we find in Appian. They represent, not the evidence from which Polybius drew his conclusions, but the acceptance and embroidering of Polybius' conclusions by later and unreliable authors. There are no further examples in Polybius and his successors, then, of conduct on Scipio's part which could be interpreted by Polybius as a trick to make the army believe in his divine inspiration. However, some of Polybius' remarks sound as if he must have had in mind a number of examples in the works of his predecessors. He says, "For neither must we suppose that Lycurgus drew up the constitution of Sparta under the influence of superstition and solely prompted by the Pythia, nor that Scipio won such an empire for his country by following the suggestion of dreams and omens,"[19] and "For those who are incapable of taking an accurate view of opportunities, causes, and dispositions . . . attribute to the gods and to fortune the causes of what is accomplished by shrewdness and with calculation and foresight."[20]

The expression "dreams and omens" need not refer to a

[16] Iberia, 19.
[17] Iberia, 23.
[18] Iberia, 26.
[19] X, 2, 9-10.
[20] X, 5, 8.

known plurality of instances, however. If he did intend it to be an exact expression, it still is rather likely that he expected to find more instances as he proceeded with his study of Scipio's career, and put in this expression indicating a considerable number. We need not assume, either, that since Polybius' predecessors ascribed Scipio's success to "the gods and Tyche" they related a large number of apparent miracles; the one striking episode at New Carthage, followed by a succession of complete and inspiring victories, certainly was sufficient to make them believe that Scipio was favored by "the gods and Tyche." Indeed, one finds a rather modest number of supernatural and incredible happenings in the fragments of these writers,[21] and it may well be that Polybius' acid remarks on their abilities and methods are a little stronger than necessary.

We cannot conclude that Polybius had any considerable amount of evidence, then, for his theory that Scipio arranged miracles as a means of handling his soldiers. "The legend" as Polybius knew it probably did not contain as many miracles and prodigies as has been supposed. The miracle at New Carthage and the story of Scipio's election to the aedileship presumably were current and popular, but we cannot deduce the existence of a large corpus of stories of the miraculous. Both the common belief in Scipio's inspiration and Polybius' belief that he was using Lycurgus' strategy could have rested on New Carthage alone. Of course a few anecdotes, patently false, of the type that we find in Valerius Maximus clustered about Scipio's name, but they were of the ordinary kind told about all great men. Perhaps stories of prodigies existed, but they did not leave any trace in the literature that we possess, and there is every reason to suppose that we should have some trace of such as gained enough currency to be called legendary.

So much for Polybius' sources. We see that his theory of Scipio's character must rest upon two incidents, the capture

[21] Carl Müller, Fragmenta Historicorum Graecorum, III, where the fragments of these writers may be more conveniently surveyed than in Jacoby's edition.

of New Carthage and Scipio's election to the aedileship. Polybius had the testimony of Laelius for both of those incidents, so that his version of them should be unimpeachable. We find, however, that there are serious difficulties in both accounts, and both are generally regarded as inaccurate. Meyer has an ingenious, but unacceptable theory that Laelius deliberately adopted "the legend," knowing it to be false, and repeated it to Polybius as gospel, explaining its apparent miracles as clever arrangements of Scipio's, thinking thus to glorify his hero.[22] The theory most popular at present is that Scipio was a mystic who really believed that Poseidon would come to help him and who managed to inflame the soldiers with his own religious enthusiasm.[23] This theory enables one to accept literally the statement that Scipio said Poseidon had appeared to him in a dream, although it leaves some other major difficulties in Polybius' account unmet. Polybius is said to have been too coldly rationalistic to understand the psychology involved.

My own view is that we do not have to accept Polybius' unsatisfactory account as resting word for word on Laelius' authority, then try to explain it as formerly was done with certain difficulties in the Bible. It is likely, in the first place, that Polybius did not effect a "meeting of the minds" with Laelius. His description of the affair at New Carthage and of the campaigns in Spain now and then betrays the fact that Laelius could not have given him a certain detail and could not have checked the finished account. In the second place, we can see how Polybius was powerfully influenced by two of his own ideas. One was that intelligible causes can usually be found by a historian who approaches his work in the right spirit.[24] This disposed him to strain a point to find an explanation of the marvelous ebb at New Carthage. The other idea was that the successful commander becomes so only by his own ability, not

[22] Kl. Schr., II, 433.
[23] See n. 1.
[24] See ch. i, nn. 60-61 and their text.

by chance.[25] Cleverness and laboriousness were Scipio's finest qualities and those most worthy of respect, he says. This disposed him to strain a point, if necessary, to explain Scipio's success at New Carthage as due solely to his own ability. Unfortunately Polybius knew the tradition that Lycurgus' methods had been those that he was to ascribe to Scipio, and it seems to have been that tradition which completed his false conception of the inner workings of the capture of New Carthage.

Polybius says:

> To me it seems that the character and principles of Scipio much resembled those of Lycurgus, the Lacedaemonian legislator. For neither must we suppose that Lycurgus drew up the constitution of Sparta under the influence of superstition and solely prompted by the Pythia, nor that Scipio won such an empire for his country by following the suggestion of dreams and omens. But since both of them saw that most men neither readily accept anything unfamiliar to them, nor venture on great risks without the hope of divine help, Lycurgus made his own scheme more acceptable and more easily believed in by invoking the oracles of the Pythia in support of projects due to himself, while Scipio similarly made the men under his command more sanguine and more ready to face perilous enterprises by instilling into them the belief that his projects were divinely inspired. That everything he did was done with calculation and foresight, and that all his enterprises fell out as he had reckoned, will be clear from what I am about to say.
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> It is generally agreed that Scipio was beneficent and magnanimous, but that he was also shrewd and discreet with a mind always concentrated on the object he had in view would be conceded by none except those who associated with him, and to whom his character stood clearly revealed. One of these was Gaius Laelius, who from his youth up to the end had participated in his every word and deed, and who has produced the above impression upon myself, as his account seems both probable on the face of it and in accordance with the actual performances of Scipio.[26]

Polybius then retails two anecdotes told him by Laelius, the first[27] about Scipio's daring rescue of his father in the cavalry battle at the Ticinus, the second[28] about his clever deceitfulness at the time of his election to the aedileship. He then goes on to the capture of New Carthage, the occasion of the other instance of Scipio's pretention to divine

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[25] I, 35, 5; IX, 12-20; XI, 14, 2; XI, 16, 5; XV, 34, 1-4; and on Scipio.
[26] X, 2, 8—3, 3.
[27] X, 3, 3-7.
[28] X, 4—5, 8.

inspiration.[29] The authenticity of the first anecdote is not beyond question; some authors give the credit for the rescue to Scipio, as Polybius says that Laelius did, while others say that a slave was the rescuer.[30] The chief conclusion to be drawn, however, follows from the fact that Polybius uses the anecdote to illustrate a point on which he felt very strongly—the commander's duty to care for his personal safety in battle.[31] He says, "Having by this service gained a universally acknowledged reputation for bravery, he in subsequent times refrained from exposing his person without sufficient reason, when his country reposed her hopes of success on him—conduct characteristic not of a commander who relies on luck, but of one gifted with intelligence."[32]

It is not difficult to see that there is a strong possibility that Polybius is not reporting Laelius with entire accuracy here. It may well be that he asked Laelius about a number of points which he considered important and received his answer in much the same form in which the question was asked. It would have been only too easy for Polybius to gain the mistaken impression now and then that Laelius was confirming his theories; he was a young Greek talking to an old Roman, and probably neither of them realized how often the points they were discussing had very different backgrounds in their two minds.

Later in Book X Polybius speaks with admiration of Scipio's greatness of spirit in refusing the title of king from the Spaniards.

> Perhaps even on this occasion one would be justified in noting with admiration Scipio's greatness of mind, in view of the fact that though he was still quite young and fortune had favored him so highly that all who were subject to him were prompted to form this estimate of him and bestow on him the name of king of their own accord, he still kept his head and declined to profit by their enthusiasm and accept this splendid title.[33]

Livy's version of this story shows an understanding of the Roman abhorrence of the word "king":

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[29] X, 6 ff.
[30] Meyer, p. 430.
[31] X, 32, 7-12.
[32] X, 3, 7.
[33] X, 40, 2-10.

Circumfusa inde multitudo Hispanorum et ante deditorum et pridie captorum regem eum ingenti consensu appellavit. Tum Scipio silentio per praeconem facto sibi maximum nomen imperatoris esse dixit, quo se milites sui appellassent; regium nomen, alibi magnum, Romae intolerabile esse. Regalem animum in se esse, si id in hominis ingenio amplissimum ducerent, taciti iudicarent, vocis usurpatione abstinerent. Sensere etiam barbari magnitudinem animi, cuius miraculo nominis alii mortales stuperent, id ex tam alto fastigio aspernantis.[34]

Laelius may have given Polybius the facts, but he could not have prompted Polybius' reflections here. No Roman who had lived through Scipio's time could have failed to realize the absurdity of a Roman general's allowing himself to be called king by the Spaniards. Further, if Laelius had realized that this was Polybius' feeling in the matter, he would surely have explained the Roman feeling toward kings to him with some care. Polybius' narrative at this point is supposed to rest partly upon the authority of Laelius, but it is obvious that Laelius did not check the story before it was published. We cannot assume that the part of the work dealing with Scipio is exactly as Laelius might have given it, then.

The strange events at the capture of New Carthage form the cornerstone of Polybius' theory of Scipio's character. If we are to take his version of the story as gospel, Scipio learned while still in winter quarters that the lagoon in the harbor of New Carthage was shallow and in most places fordable, and that usually the water in it receded every day towards evening.[35] He confided his general plans only to Laelius until the eve of the battle, when they were disclosed to the army, but the army was never told about his knowledge of the ebb, for it was to come as a miracle.[36] He told the soldiers on the eve of the attack that Poseidon had appeared to him in a dream and promised help.[37] He had a detachment with ladders ready at the time of the ebb.[38] When it came, the soldiers naturally concluded that it was Poseidon's promised help and that their general was divinely in-

[34] XXVII, 19, 3-6.
[35] X, 8, 6-8.
[36] X, 9, 1.
[37] X, 11, 7-8.
[38] X, 14, 1-2.

spired.[39] That was the effect at which Scipio had aimed, for he knew that the army would be a better instrument if the soldiers believed that their commander was inspired by the gods.[40]

There are some grave difficulties in this account.[41] First, he says that the tide receded usually towards evening. Of course the time of the tides changes every day. Besides, there are no tides in Cartagena Harbor, although the wind can raise or lower the level of the water there.[42] Secondly, we cannot escape the difficulty by assuming, as Hallward does, that the ebb was caused daily by an offshore breeze which would naturally spring up at about sunset every day.[43] The Mediterranean Pilot says, "In summer southwesterly winds, generally called 'virazones,' are regular at Cartagena; they set in at 10 a.m. and blow until sunset, but in winter they last all night. In fine weather the land wind prevails in the morning, generally until 8 or 9 o'clock."[44] There is no mention here of a regular offshore breeze at night. Livy says that a strong north wind sprang up and seemed to increase the action of the ebb, but he also says, "Medium ferme diei erat,"[45] and Polybius, although he says the day was advanced, has not given us enough action to last until sunset.[46]

Thirdly, even if we could prove that the ebb was fairly regular and roughly predictable, we could not explain the strength of the attack which Scipio made that morning. It was a costly attack; had it succeeded, it would have left no place for his miracle; he could have "fixed" the Car-

[39] X, 14, 11-12.
[40] X, 2, 10-12.
[41] The best discussion of the battle is in Scullard, pp. 56-99. I have added only some facts about the winds and a criticism of Hallward, whose work is later than Scullard's.
[42] Hallward, p. 85, n. 4.
[43] Ibid.
[44] Hallward and Scullard quote The Mediterranean Pilot of the British Admiralty; I quote that of the U. S. Naval Hydrographic Office: H. O. No. 151 (U. S. Gov't Printing Office, Washington, Ed. 3, 1930) I, 125.
[45] XXVI, 45, 8.
[46] X, 13, 11.

thaginian forces for his decisive flank movement through the lagoon by a determined frontal attack just before the time of the ebb. Fourthly, Polybius has ignored the part played by the fleet under Laelius' command. He says that they joined in the attack, but does not mention them again.[47] Livy has an interesting and apparently authentic account of the rival claims of a centurion and a marine to the *corona muralis*.[48] This indicates that the thrust through the lagoon was not the decisive movement that Polybius makes it.

It is possible that there was a fairly regular ebb during the summer months. The virazone may well have raised the water level in the harbor and in the lagoon every day, so that when the wind subsided toward sunset the water receded from the lagoon. It is obvious that such an ebb would not come at exactly the same time or with exactly the same volume every day in summer and that it could hardly be predicted within several hours, if it came at all, at other seasons. The battle probably was in the spring.[49] Livy's statements that it was about midday and that a sharp north wind sprang up should make us even more wary of concluding that this was Polybius' "tide" and that Scipio could count on it.[50]

It may well be that Scipio felt that he had about an even chance of being favored by an ebb, caused either by the cessation of the southwest wind or by a spring north wind. Possibly he was not counting on the ebb at all, but intended to have his men wade through the lagoon, which was fordable without the help of the ebb, and merely happened to have the men ready when it came. The strength of his morning attack shows that his whole strategy was not based on the ebb, however, and the fact that the fleet was in at the kill shows that the battle probably could have been won without the charge of the five hundred. Polybius' description and theory of the battle are both unacceptable, yet he expressly says that it was Laelius who convinced him

[47] X, 12, 1.
[48] XXVI, 48, 4-14.
[49] Livy, XXVI, 41, 1.
[50] See n. 45.

that Scipio was able, not lucky, and that Scipio confided every detail of his calculations to Laelius on this occasion. How could Polybius have made such mistakes as he did in telling of the battle? The answer must be that he did not get a picture of the battle exactly as Laelius would have told it had Laelius been writing a history, but got answers to such questions as he asked Laelius, and that he let his preconceptions influence him. He wanted to find a cause for the apparent miracle and he wanted to prove that Scipio really owed nothing to luck on this occasion. Scipio's investigations seemed to be the key; Polybius probably knew almost nothing about tides, so he assumed that the ebb was a tide and came at the same time every day and that Scipio could count on it. Scipio probably knew only that the ebb occurred sometimes, and knowing that much he may have given himself credit in his letter to Philip for complete calculations.

If it seems that Polybius could not have misunderstood Laelius on so simple a matter, let us remember that he left Laelius and the fleet out of the picture after the opening of the battle, apparently because he wanted to build his account around the ebb. Obviously the conception of the battle which Polybius formed was not criticized and checked point by point by Laelius as it should have been. It is easy to imagine how the comparison of Scipio's method with that traditionally ascribed to Lycurgus occurred to Polybius and seemed to him to complete the picture. Scipio did not mention the ebb to his soldiers because he knew that he could not count on it, not because he was planning to use it as a miracle. His mention of Poseidon doubtless came from some one of the accounts which represented the ebb as a miracle; in fact, Polybius' whole version appears to be based on such an account. We cannot accept his theory that Scipio was playing Lycurgus' game at New Carthage, for the facts do not support it.

Polybius has one other piece of evidence for his theory: the anecdote of Scipio's election to the aedileship. He tells us

that Lucius Scipio was running for the aedileship and that Publius devised a scheme whereby both might be elected.[51] He told his mother that he had dreamt that both were elected and in jest procured her permission to run. His popularity secured the election of both himself and his brother, and he received credit for inspiration from those who heard of the dream. Meyer has shown that the facts are wrong; he was not aedile with his brother.[52] Polybius does not say that Laelius told him this story. Probably it is a story which he found or heard somewhere and accepted incautiously because it seemed to illustrate so well his view of Scipio's character. It proves nothing. Polybius' theory is left without a leg to stand on, then; there simply is no evidence that Scipio pretended to be divinely inspired in order to increase his power over his soldiers.

Most of those modern scholars who reject Polybius' theory say that Scipio was a mystic.[53] Unfortunately the evidence for that view is not discussed systematically; one might almost say that it is not discussed with entire rationality. The supposed visits to the temple apparently are an important item in the evidence. Hallward says, "Long vigils in prayer gave his utterances the true quality of inspired fanaticism."[54] Those vigils in Jove's temple probably were pure invention. It is not improbable that Scipio did go there often, but if he did, his intention was to sacrifice or pray in the ordinary Roman style, as was said in the first chapter.

The events at the capture of New Carthage are also taken as evidence of his mysticism. The theory seems in general to be that Scipio did say that Poseidon had appeared to him in a dream, and that he probably spoke the truth. He felt himself continually upborne by divine power, and his utterances were inspired and inspiring. Polybius and the Scipionic circle could not understand real religious feeling; they interpreted his behavior as a sham.

This theory involves accepting Polybius' account of the

[51] X, 4-5.
[52] Kl. Schr. II, pp. 430-431.
[53] See n. 1.
[54] P. 84.

capture of New Carthage, which requires considerable faith in Polybius if one consider the inner difficulties of the account. We have already seen how Polybius can be explained. The theory of Scipio's mysticism meets none of the difficulties except that of explaining Scipio's alleged mention of Poseidon. If Scipio knew only that the ebb might help him and had planned a strong attack by sea and by land, one can hardly imagine his glowing with religious fervor about the possibility of the ebb and promising Poseidon's help. Probably his behavior on that occasion would not be interpreted as mysticism by one who did not believe in his visits to the temple. Neither is satisfactory as evidence, nor can we find evidence in the various anecdotes discussed as possibly reflecting evidence available to Polybius for his theory.

There does seem to be reason to believe that Scipio was a pious man.[55] He seems to have been punctilious about his religious duties, not only in paying his vows to the gods, but in offering prayer before important events. We have record of votive offerings made by him in Greece.[56] Doubtless he was irked by having his Salian priesthood delay him while he and his brother were marching against Antiochus, but he seems to have obeyed the rules to the letter.[57] It may be that for the sake of the effect on his men he was more punctilious in his public religious observances than in his private ones. We should hardly say, however, that such a state of affairs supported Polybius' theory.

Probably Scipio was as pious as the average Roman of his

[55] Friedrich Münzer, Römische Adelsparteien und Adelsfamilien, p. 162, says that Scipio's mother, Pomponia, was an unusually religious woman. The story of Jove's appearing to her in serpent form and her assiduous sacrificing and praying to help her son Lucius' candidacy for the aedileship are given as evidence. If the story of Jove's visit is a later invention, of course it does not show her to have been unusually religious; it arose from another cause than her reputation for religiosity. Also it seems prudent to reject her part in the story of her sons' election to the aedileship, since the rest of the story is untrue. There may, however, be some basis of fact for the representation of her in that story.

[56] Wilhelm Dittenberger, Sylloge Inscriptionum Graecarum², 588, ll. 100 ff.

[57] Livy, XXXVII, 33, 7.

day; perhaps he was more so. Even extreme piety, however, is not identical with mysticism, nor is extreme self-confidence, which he surely had. Scipio seems to have had an unusual personality. Some men could resist it, but there was no one who did not feel its power. He surely was conscious of his own gifts and of the power he had over men. We have no evidence, however, that he believed that he was divinely inspired or could count on divine help more than anyone else could. In other words, we have no evidence that he was a mystic.

## CHAPTER III

### Policies and Parties: From Scipio's Early Years to Zama

The more direct evidence on Scipio's part in the movements of his day has been discussed by every historian of the period and probably can yield little more. We can increase our understanding of the subject, however, by making a detailed study of the men of the period—their offices and their acts, their personal and family relations and the relations of their views on important questions, and each man's relation to Scipio. In this chapter and the two following Scipio's career will be discussed from this point of view.

Münzer[1] and Schur[2] have worked out in detail the relations of the men of this period. Münzer's work is a general history of the families of the Republic; he discusses events only when he can thereby elucidate family relationships. Schur, starting with Münzer's material, has attempted to erect a structure of family relationships by which he can explain all the movements of Scipio's day. Unfortunately he did not realize the limitations of his method. Friendships and alliances between families often lasting a number of generations can be traced, to be sure. Often we can make useful deductions if we know to what group a man belonged. The acts in office of a lesser man, for instance, may betray themselves as part of the policy of a group led by a great man. We could not explain all Roman history as "family politics," however, even if we had complete genealogies of all the Roman families.

The first limitation of this method is that we cannot assume that there was a connection between two men who held the consulship successively. Sometimes we can be sure that a man helped his successor to be elected;[3] sometimes we can

[1] Römische Adelsparteien; he discusses sources on pp. 1-7.
[2] See ch. ii, n. 1.
[3] M. Livius Salinator evidently did his best to secure the consul-

be sure that he did not help or that he actively supported someone else.[4] If there is no evidence either way except that we know which consul presided over the election, it is best to be slow in making deductions. *Post hunc, ergo propter hunc* is a rule that applies rather often, but not invariably, under normal circumstances and does not apply at all to hotly contested elections.

Secondly, we must remember that during the period of Scipio's manhood the Senate, not the consuls, was at the helm of the State,[5] so that the group to which the consuls belonged was not by virtue of that fact in a position to dictate the policy of the State. Sometimes for a number of years in succession a group would not have strong men eligible for election to office; it does not follow that during that period the group would have no influence, for it would still be represented in the Senate by its members who had held the consulship within ten years or were for some reason, perhaps age, physically incapacitated. The general prestige of the group with the people could also remain undiminished.

Thirdly, allegiance to the family party was subordinate to allegiance to the State. There are many instances of apparent conflict between the two allegiances, and almost invariably we find men doing what they believed was best for the State. T. Manlius Torquatus, for instance, refused to allow himself to be elected consul for 210 because his sight was failing badly, and a member of the opposite party gained the position (26, 22). In 210 the Senate overrode the objections of the tribunes to Fulvius' being elected consul while he was dictator (27, 6, 1-11) although it doubtless was strongly opposed to the principles of continuation in office and repetition of office. Livius Salinator and Claudius Nero united in

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ship of 206 for Q. Caecilius Metellus and L. Veturius Philo (27, 51, 3; 28, 9, 20; 28, 10, 1-2). Further references to Livy will be given in the form just used.

[4] We may assume that Cato's friend Valerius Flaccus did not further Scipio's candidacy for the consulship of 194, (34, 42, 2-3) nor did Cornelius Merula favor L. Flamininus against his kinsman Scipio Nasica two years later (35, 10, 1-10).

[5] Hallward, p. 112.

choosing Fabius as *princeps senatus* in 204 (29, 37, 1), although he could hardly have been acceptable to both on purely party grounds. We shall discover other examples of non-partisan proceedings as we consider the events of the later years of the Second Punic War.

The part played by these family relationships in determining the policies of the State was considerably less, then, than Schur would have us believe. In Scipio's time, at least, not a single important issue was decided on purely party lines. Family alignments will be useful to us in our attempt to discover Scipio's part in the events of his day, but we cannot base our investigation on them exclusively.

In the year 210 Scipio, who was then only twenty-five years old, was elected proconsul and given command of the Roman forces in Spain. His father and uncle, who had carried on the war there for several years with success, had both been defeated and killed in the preceding year. The tried soldier Gaius Claudius Nero had been sent to Spain as soon as possible to reorganize the army and prevent the utter failure of the project,[6] and it was he whom Scipio was to relieve as commander.

Our knowledge of Scipio's earlier years is scanty. We know that he was at the battles of the Ticinus (21, 46, 9-10) and of Cannae (22, 53, 2) and that he was curule aedile in 213 or 212 (25, 2, 6-8).[7] There is nothing in his record to lead us to expect his elevation to a major command at the age of twenty-five, and the only detailed account of the proceedings, that given in Livy and Appian,[8] gives us no insight into the reasons for his election. Livy tells us (26, 18, 4—19, 2) that a day had been set for the election of the proconsul, but that no candidates had offered their names. Nevertheless the people gathered for the election, and there was a scene of despair when it seemed certain that no one dared to seek the position. Suddenly the young Scipio stood forth on a raised place

[6] DeSanctis, III (part 2) 450-455, and Hallward, pp. 83-84, present these events in detail.

[7] Livy's words can signify either year.

[8] Iberia, 18.

whence he could be seen by all and announced his candidacy. He was elected. The people then began to repent of their hasty action, but he addressed them with such eloquence and spirit as to remove all their misgivings.

We may reject Livy's theory that no one else dared assume the responsibility of commanding the army in Spain. The most plausible and the generally accepted explanation of Livy's story is that offered by Mommsen, that the Senate thought it best to replace Nero by Scipio and arranged beforehand that no other man should present himself as a candidate.[9] The question remains, however, why the Senate thought it best to replace Nero with Scipio. Mommsen's view was that Nero was lacking in the address and diplomacy necessary for handling the Spaniards. DeSanctis says that the Senate was dissatisfied with Nero's Fabian policy and chose Scipio as the man best suited to resume the offensive.[10] Schur's theory is that at this time Scipio's friends and allies, led by M. Livius Salinator, held the balance of power between the Claudio-Fulvian group and the Fabian and were therefore able to demand from the Senate the deposition of Nero in favor of Scipio.[11]

It is more likely that the Senate recalled Nero and sent Scipio to replace him because a sudden shortage of men made Nero's presence at home necessary, now that he had guided the Spanish project through its worst crisis, and because Scipio was better able to fill the position than any other man who could be spared. An examination of the records of the men of the time shows that Nero was needed nearer home and that no first-class man could be spared for Spain, so that Scipio had for rivals only lesser men. It is a safe premise that in those days no man of military ability remained idle, except the stubborn M. Livius Salinator. If some men were elected to the consulate several times con-

[9] History of Rome, (Dickson's tr., 1891), II, 189.

[10] III (part 2) 452; Hallward, p. 84, calls the appointment a criticism of Nero.

[11] P. 23. He gives no other reason or pretext for the demand of Scipio's supporters and leaves us in the dark as to the mechanics of the balance of power.

trary to custom (27, 6, 2-12) and others were given several proconsulates or propraetorships, there could not have been a superfluity of good men, and the best men were constantly in service. There is no reason to suspect that any able soldiers of the time fail to appear in our lists of officials. We may consider those lists a complete roll of Rome's able commanders.

We find that five leading men were lost to Rome during the three years preceding this election. T. Sempronius Gracchus, consul in 215 and 213, was killed in 212 (25, 16, 17). Appius Claudius Pulcher, consul in 212, met his death at Capua in 211 (26, 16). T. Otacilius Crassus died in 211 (26, 23). Cn. Fulvius Centumalus, consul in 211 and proconsul in 210, met his death in the latter year, probably before the election (27, 1, 12). T. Manlius Torquatus had to refuse the consulship for 210 because of some eye trouble (26, 22).

Examining another aspect of the matter, we find that five men filled the most important commands in the years 210-208. P. Sulpicius Galba was consul in 211, then proconsul in Macedonia until 206. Marcellus and Laevinus were consuls in 210; Marcellus was proconsul in 209 and consul in 208, when he was killed, and Laevinus was proconsul in Sicily for three years. Fabius and Fulvius were consuls in 209. Crispinus, the colleague of Marcellus in 208, can hardly be classed with these five; probably he became consul by being associated with Marcellus at a time when the latter was very popular (27, 21).

Under the normal procedure with no repetition of consulships and with proconsulships limited to a year eight other men would have shared the offices that these five held during this short period of three years. It is plain, then, that these five were the main reliance of the State and that no one was considered competent to replace them until Nero and Salinator were elected consuls for 207. Salinator had refused to serve until then. Nero probably did not return from Spain in time for the elections for 209 and probably was eliminated the

next time by the popular enthusiasm for Marcellus, another patrician. We find that he campaigned with Marcellus in 209 (27, 14, 4). After the battle of the Metaurus the pressure was relieved and the normal system of rotation in office was resumed.

The recall of Salinator from exile in 210 (27, 34, 5) is further evidence that at that time there was felt to be an acute shortage of first-class men. Shortage of men may also be the key to the strange election for 210, (26, 22) when, according to Livy, the *centuria praerogativa* insisted on naming T. Manlius Torquatus, who was old and quite unfit physically. He refused, and finally Marcellus and Laevinus were chosen. The incident may well mean that the people did not want to select men who had held the consulship within ten years, but had difficulty in finding any able man who had not. The sudden elevation of P. Sulpicius Galba to the consulship for 211 (25, 41, 11) in spite of his not having held a curule office, and the happenings at the next election (27, 6, 2-12) seem to point the same way.[12]

Doubtless some other considerations had a minor part in the Senate's decision. Nero was a hard and graceless man, as is shown by his later quarrels with Livius, (29, 37, 10-16) so that he was not well qualified to deal with the Spaniards. Mommsen can hardly be right in calling this the chief consideration, however.[13] Another consideration was that Scipio could replace him not unsatisfactorily. The Senate's decision doubtless rested upon all three considerations, but chiefly on the need of having Nero at home. It may well be that the original plan had been to recall him from Spain as soon as he had stabilized the situation there somewhat and a reasonably competent successor could be found.

There were a number of reasons for the Senate to feel that Scipio was competent to command in Spain. His power over

[12] Schur explains these incidents as family politics; pp. 23, 123, 117, 125-126. He has an account of the decline from power of the Claudio-Fulvian party, based partly on these incidents, which seems beside the point if one remembers that most of their men eligible to hold office died or were killed at this time.

[13] Loc. cit.

men must have been apparent to those who knew him at all, especially since war brings out such traits strongly. The fact that he was of the Cornelian house was an indication that he was made of good stuff, and there was a probability that the army and the fickle Spaniards would esteem him more highly for the sake of his father and of his uncle. It may well be, too, that during some of the years for which we cannot account he was in Spain and was well informed on the special problems of warfare there. Probably he did his best to secure the appointment with the idea of avenging his father and his uncle.

It would be going too far, however, to assume that the proposal to send him to Spain originated with him or that he represented the policy of an active offensive in Spain and Nero a Fabian policy. The offensive policy originated with Scipio's father, as is well known. The sending of Nero to Spain was not a departure from that policy. Nero's first task was to reorganize and rediscipline the survivors of the armies of the Scipios. Naturally he did not attempt to take the offensive during the first year, and the Senate cannot have expected him to do so.[14] He had been trained in the Fabian school, but his famous march to join Livius and defeat Hasdrubal was as bold and original a plan as any that Scipio conceived.[15] Scipio's appointment did not result from the Senate's thought that that was the only way to continue the offensive policy in Spain.

Scipio had some excellent qualifications, but he was very young and he had never commanded a large body of men. If Rome had had four more men of the first rank, Scipio would not have been chosen to go to Spain. None of the best men could be spared, and he was selected by the Senate as the best qualified of the lesser men. An examination of the men who could have been spared shows that none of them was as promising as Scipio. P. Aelius Paetus seems to have had only one campaign, that in Liguria, (31, 2, 5-11) in which he did not cover himself with glory. T. Claudius Nero,

[14] Scullard, pp. 53-54.

[15] DeSanctis, II (part 2), 452.

the obstreperous consul of 202, showed himself too undiplomatic and unskilful in that year for it to be probable that he could have been seriously considered as a rival of Scipio. C. Cornelius Cethegus was a fairly able man, but he did not attain office until much later, being proconsul in Spain in 200, (31, 49, 7) and we have no record of his being an exceptionally good soldier. M. Cornelius Cethegus was aedile with Scipio in 213 (25, 2, 6) and praetor in Sicily in 211 (25, 41, 12; 26, 21, 12-17). He was probably propraetor in Sicily at the time of this election, although Livy says only "M. Cornelio" (26, 26, 8). He seems to have been a reliable and useful man who did nothing brilliant.

Cn. Cornelius Lentulus as quaestor in 212 acquitted himself well in a skirmish with Hannibal, but we have not record of his doing anything else in a military way until he went to the now pacified Spain and governed it with credit (33, 27). As consul in 201 he showed himself undiplomatic, to say the least (30, 40, 7-8; 30, 43, 1). L. Cornelius Lentulus succeeded Scipio in Spain. We have no evidence that he ever met a severe test, but his repeated prorogations show that he must have met the routine difficulties satisfactorily. P. Licinius Crassus was elected pontifex maximus in 212 and could not leave Italy thereafter. Q. Caecilius Metellus and M. and C. Servilius Geminus all seem to have been unwarlike. Cn. Servilius Caepio stood off Hannibal in one battle late in the war, but he was young (30, 19, 11). At first glance such men as Q. Claudius Flamen, who was praetor in command at Tarentum in 208 (27, 21, 5) and was continued for the next two years, (27, 43, 2; 28, 10, 15) and C. Hostilius Tubulus, *praetor urbanus* in 209, who was kept on as propraetor in charge of Etruria and Capua until 204, seem better qualified than Scipio, but the fact that they were kept so long in those posts makes it seem likely that they were the heavy-handed, unimaginative type of soldier.

It is clear that none of these men was so brilliant as to be the obvious choice. In fact there is none who we can confidently say was a better man than the Scipio of those days. Scipio did not gain preference over a group of tried and

brilliant soldiers, but over a group who were only moderately competent or were lacking in the peculiar traits necessary. He was the best man available, so he received the appointment.[16] It was a non-partisan appointment; he did not owe it to the machinations of his friends and relatives.

We can get a fairly clear idea of the relations of the men most prominent during the years 207-201.[17] Münzer[18] and Schur[19] have shown that M. Livius Salinator, L. Veturius Philo, M. Cornelius Cethegus, Q. Caecilius Metellus, and P. Licinius Crassus stood in close relation to one another and to Scipio. They say that the three Servilii who were so prominent in the years 203 and 202 were originally allied with this group, but shifted their allegiance to the Claudio-Fulvian faction during the year 203.[20] Let us examine the history of this short period and discuss various significant events.

Scipio and Licinius Crassus were elected consuls for the year 205, L. Veturius Philo presiding over the election (28, 38, 6-7). Probably Scipio's great popularity and his program of invading Africa would have brought him success in the election no matter who presided over it, but Philo may have helped to elect Crassus as the second consul. Scipio wanted Crassus as his colleague because the latter, as pontifex maximus, could not leave Italy, which fact left Scipio free to sue for Africa without any possibility of his colleague's being chosen by lot to go there if the Senate did declare Africa a province.[21]

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[16] Meyer, Kl. Schr., II, 431, suggests that Livy modeled his story on the account of Scipio's election to the aedileship which we find in Polybius (X, 4-5). Livy's story may, however, give approximately what did happen. The Senate probably arranged that there should be no other candidates and Scipio took full advantage of the dramatic possibilities of the situation; an eyewitness who did not know how the election had been prearranged might give such an account as we have in Livy and Appian.

[17] Scipio acquired a faithful ally, Sextus Digitius, in Spain (Münzer, pp. 92-94). Laelius is the only other man worth noting during the Spanish period.

[18] Pp. 128 ff.

[19] Pp. 118-123.

[20] Münzer, pp. 143-145; Schur, pp. 129-131.

[21] DeSanctis, III (part 2), 509; Hallward, p. 96.

As soon as he entered upon the consulship Scipio asked the Senate to give him Africa as his province (28, 39, 22— 45, 9). He had made no secret of his intention to go to Africa even if it should be necessary to appeal to the people from the decision of the Senate. The conservatives, led by Fabius, opposed the proposal.[22] They knew that he could legally be put in charge of Africa by a vote of the people, but apparently they believed that the *auctoritas* of his elders in council assembled would awe him.

Scipio refused to be overawed, however.[23] He had been planning the invasion of Africa for two or three years and had carefully laid his foundations by securing the allegiance of Masinissa (28, 35) and of Syphax (28, 18, 12) and by having Crassus elected as his colleague. He knew that the people would support him if necessary. It may well be that a considerable minority of the Senate was on his side as well. At any rate, he defended his plan with spirit. Finally Fulvius asked him (28, 45, 2) if he would entrust the decision to the Senate and would abide by its decision or would appeal to the people. Scipio replied that he would do what he thought to the best interest of the State, definitely refusing to subordinate himself to the Senate.

Obviously the Senate was going to receive a rebuff if it rejected Scipio's motion, for the people would surely have supported him. The decree of the tribunes quoted (or paraphrased) by Livy, (28, 45, 7-8) which may well come from the archives,[24] may show how the matter was arranged. The tribunes said that if Scipio entrusted the decision to the Senate, he must abide by the Senate's decision, and that they would not allow him to appeal to the people. If he did not entrust the matter to the Senate, they would support any

[22] DeSanctis, III (part 2), 507, n. 102. Even Schur is not so rash as to maintain that Fabius and Fulvius opposed Scipio on partisan grounds.

[23] The following proceedings are not entirely clear, and the general opinion seems to be that the final decree of the Senate is the only sure point.

[24] DeSanctis, II (part 2), 645, contra. This decree need not be false merely because it agrees with the rest of Livy's story; the story may be correct because it agrees with the decree.

senator who refused to vote on his motion, thus arresting the motion.[25] The way was left open for Scipio to drop his motion and refer the question to the people, but he was prevented from humiliating the Senate, and rightly so. Apparently he received unofficial assurance that the Senate would do as he wished and left the matter in its hands with satisfactory results.

The Scipio who was elected to the proconsulate in Spain was the instrument of the Senate, as was the average Roman official of the time. The Scipio who procured himself the command in Africa was a man fully conscious of his own powers and self-confident enough to use every legal means to support his own judgment against that of the Senate. From this time on our hero was a force to be reckoned with in the determination of Roman policies.

We cannot determine the names of Scipio's supporters on this occasion. Fabius and a large number of unnameable conservatives formed the opposition. Fabius led the attack on Scipio for his handling of Locri in the following year. His followers seem to have been in the minority this time. Q. Caecilius Metellus' motion that an investigating committee be sent to look into the matter was passed (29, 20, 1-9). Probably many senators who had been doubtful of the wisdom of sending Scipio to Africa were not ready to take such a drastic step as canceling the expedition.[26] The commission doubtless had a safe majority of supporters of Scipio. M. Pomponius Matho, praetor in Sicily (29, 11, 11) and chairman of the commission, was Scipio's cousin[27] and had been one of the envoys who took a gift from his Spanish booty to Delphi in 205 (28, 45, 12). We know only one other name, that of Metellus himself (29, 21, 1). Of course the commission exonerated Scipio.

The consuls for 204, M. Cornelius Cethegus and P. Sempronius Tuditanus, are to be reckoned as supporters of Scipio. Cethegus belonged to his family group; Tuditanus, although his earlier connections seem to have been more with the

[25] See Weissenborn's note on 28, 45, 5-6.
[26] Hallward, p. 98.
[27] Schur, p. 50.

Fabian group,[28] apparently favored the African expedition. We find that Metellus moved that the commission to investigate the Locri affair be appointed by the consuls, (29, 20, 4) so there could have been no fear of Sempronius' causing any difficulty. Probably Scipio's influence with the people was great enough, too, for him to be able to nominate the consuls for 204, and we may safely assume that Cethegus and Tuditanus were his candidates, whom he expected to safeguard the interests of his expedition.

The consuls of 203, Cn. Servilius Caepio and his cousin C. Servilius Geminus, are said by Münzer and Schur to have started the year as allies of Scipio and to have transferred their allegiance to the Claudio-Fulvian party during the year.[29] In the two preceding generations the relations between the families had been close, and it is reasonable to suppose that Scipio counted the Servilii among his friends and had perhaps helped to secure their election through his friends at home. Hannibal left Italy during this year. Cn. Servilius Caepio, the consul who was in the field against him, promptly crossed from his province of Bruttium into Sicily, intending to carry the pursuit into Africa (30, 24, 1-4). He finally had to be restrained by the higher authority of a dictator (30, 24, 3). Caepio probably was not trying to oust Scipio from his command in Africa by an indirect method. It was only natural for him to feel that his province was not Bruttium, but wherever Hannibal was, and that his duty was to pursue the enemy whom the Senate had sent him to oppose.

Schur views Caepio's move as part of a wave of opposition to Scipio among the nobility, who felt that he was dangerous to the oligarchy, as a strong and determined man always is.[30] The discussion caused by the arrival of the Carthaginian

[28] Münzer, "Sempronius" No. 96, in PW, Series II, IV, 1444. Schur, pp. 48-49, suggests that Scipio had him elected proconsul for 205 to make peace with Philip and eliminate the danger of a disturbance to the African expedition from that quarter. Scipio could hardly have forced this plan on the Senate, and we find, too, that Sempronius first tried to reenlist the Aetolians and continue the war, then made peace (see M. Holleaux, "Rome and Macedon" in The Cambridge Ancient History, VIII, 135-136).

[29] See note 20. [30] Pp. 62-68.

peace embassy in 203 seems to him to show the same tendency. If Livy's report of the speeches (30, 32) is to be trusted, M. Livius Salinator urged that there be no dealings with the embassy until one of the consuls could return to preside; the faithful Metellus urged that Scipio's views be accepted completely; Laevinus urged that the embassy be sent home, since its purpose was obviously to temporize until Hannibal could return to Africa. Salinator's views on this occasion do not show that his support of Scipio was weakening or withdrawn; they show only that he and Metellus differed as to what had best be done. The evidence for the gradual formation of a united front against Scipio is very weak.

The consuls for 202 were Ti. Claudius Nero and M. Servilius Geminus, the brother of the C. Servilius Geminus who was consul in 203. They tried to persuade the Senate to allow them to draws lots for the command in Africa, but Metellus managed to have the question referred to the people, who voted to retain Scipio in command (30, 27, 1-5). None the less the lots were drawn and Claudius was chosen. The Senate voted him fifty quinqueremes and equal power with Scipio. Fortunately he used up his year in delays and misadventures and was not prorogued, (30, 39, 1-3) since by the end of the year Hannibal had been defeated.

Schur believes that the Servilii and the faction opposed to Scipio, which they had just joined and to which Claudius belonged, were trying to harass Scipio and if possible to get his important post for one of their number. It is well to keep in mind a few other facts. Claudius, while praetor in 204, had gone to some trouble to cooperate with Scipio.[31] His election was probably due to the influence of his cousin Gaius Claudius Nero, the hero of the Metaurus. He and Servilius certainly were not elected to replace Scipio, since immediately after their election the people voted to keep Scipio in command. Hannibal had just returned to Africa, and of course considerable anxiety was felt at Rome about the impending battle. The consuls naturally felt that one

[31] Münzer, "Claudius" No. 249, in PW, III, 2776 f.

of them should be in command where Hannibal was, for that place was always the chief theater of the war. We can hardly say that the consuls had become Scipio's determined opponents; prolonged commands were not the Roman system, in spite of their frequency during this war, and the Senate and the consuls probably felt that it was a normal change for one of them to succeed Scipio now that Hannibal had moved to Africa.

In 202 the consul C. Servilius Geminus was *dictator comitiis habendis* and chose P. Aelius Paetus as his *magister equitum* (30, 39, 4-5), and Paetus was elected consul for 201 (30, 40, 5). Apparently Servilius furthered Paetus' candidacy. Paetus seems to have been in close relation with the Scipionic group as well,[32] so it may well be that the Servilii considered themselves still closely allied to Scipio. We find them well represented on the commission for distributing land to Scipio's soldiers (31, 4, 3). Paetus' colleague in the consulship attempted to force the Senate to decree him Africa (30, 40, 7-15; 30, 43, 1). He seems to have been a foolish and stubborn man who imagined that he could snatch some of his great cousin's laurels. We can hardly conjecture how he was elected unless he concealed his intentions. At least we learn that Q. Minucius Thermus and M. Acilius Glabrio, the tribunes who opposed him, were partisans of Scipio even at this time.

We do know the names of a small group of men who were definitely supporters of Scipio during this period, then. Apparently the families of most of them were friendly to Scipio's family and some of them were his kin. We cannot say that they supported him for that reason alone, yet there may well be some relation of cause and effect between the two facts. There must, however, have been a considerable number of senators who approved of sending him to Spain and of his invasion of Africa on purely non-partisan grounds.

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[32] He and his brother will be discussed in the next section. One wonders if he could have been the instrument of the Metelli against Naevius, since he was praetor in 203 and learned in the law. See T. Frank, "Naevius and Free Speech," in American Journal of Philology, XLVIII, 105-110.

## CHAPTER IV

### Scipio During the Wars With Philip and Antiochus

Scipio was the most influential man in the state during the period of these wars. Although he was not often in the center of the stage, a study of the period reveals the fact that he had some share in every important movement. Polybius tells us that the people received him with a great demonstation of emotion on his return from Africa.

> Publius Scipio arrived from Africa not long after the above date. As the eagerness with which he was awaited by the people corresponded to the greatness of his achievements, the splendour of his reception and his popularity with the commons were both very great. And this was quite natural, reasonable, and proper . . . the thought that now they were assuredly not only freed from all fear and peril but that they had overcome their foes caused a joy that knew no bounds.[1]

There is a possibility (as was said in the first chapter) that the various extraordinary honors said by Gracchus (38, 56, 11-13) to have been offered him then actually were offered to him. Scipio was the darling of the populace. We find, too, that almost all the important nobles of this period were more or less closely associated with him. The greatness of his achievements and the proven soundness of his judgment naturally gave weight to his opinions in the Senate. The position of *princeps senatus* rightfully belonged to him.

First, he was one of the important agents in the appropriation of Hellenic culture at Rome. The process was going on actively before he reached manhood, and we cannot assert that he had a definite program of furthering it, but he undoubtedly did further it in a number of ways.[2] The earliest indication that he was friendly to Hellenism was the sending of a gift to Delphi by the Senate out of his Spanish booty, (28, 45, 12) probably at his suggestion. We have evidence that he took full advantage of his opportunities to "Graecize" at

[1] XVI, 23.

[2] G. Colin, Rome et la Grèce de 200 à 146 avant Jésus-Christ, pp. 130-133.

Syracuse when he was making ready to go to Africa (29, 19, 11-13). The fact that he exerted himself to effect the restoration of the captured possessions of the Syracusans (29, 1, 17) does not indicate pure philanthropy toward the Greeks; he probably was looking to the interests of his expedition as well. His interest in Greek culture is further evidenced by the fact that his son is said to have had a good Greek style.[3]

Scipio may well have been the originator, as Livy tells us, (34, 54, 8) of the segregation of the people from the senators in the theater. The censors, who were officially responsible, were closely associated with Scipio, as we shall see. The most plausible explanation of the change is that it was an attempt to make the theater more attractive to the nobility and to make it more respectable by their presence. Possibly Scipio encouraged the curule aediles for 194, the year of his second consulship, A. Atilius Serranus and L. Scribonius Libo, to introduce the drama as a regular feature of the Megalensian festival (34, 54, 3-4). Apparently the earlier celebration of the festival had been on a somewhat lower cultural plane.[4]

Several of the inscriptions that we have bear on this aspect of the man;[5] we need not discuss all that have any relation to him. We find that both the Scipios made offerings at the shrine of Delos. Both are represented by the conventional offering of a crown,[6] and in addition Lucius Scipio gave a present to the girls' chorus of Delos.[7] Publius was honored by the Delians with both proxeny and a laurel wreath.[8] The relation apparently was more cordial and less stereotyped on both sides than was usual. Publius Scipio seems to have visited Delos twice, in 193[9] and in 189, when he was accom-

[3] Cicero, Brutus, 77.
[4] P. Habel, "Ludi Publici" in PW, Suppl. V, 627.
[5] M. Guarducci, "Gli Scipioni in una nuova iscrizione cretese," in Rivista di Filologia, VII (N.S., 1929) 60-85, discusses all the pertinent inscriptions.
[6] Dittenberger[2], 588, ll. 100 ff.
[7] Ibid., ll. 90 ff.
[8] Dittenberger[2], 617.
[9] M. Holleaux, "L'Entretien de Scipion l'Africain et d'Hannibal," in Hermes, XLVIII, 92-94.

panied by his brother. The second visit was followed by a visit to Aptera, in Crete,[10] where proxeny was conferred on both the brothers, the ex-praetor L. Aemilius Regillus, and a Cn. Cornelius Cn. f. who was in the party.[11] These inscriptions show us that the Scipios took a lively interest in Delos. They show us, too, that the people of Delos and of Aptera delighted to honor the Scipios. It is possible that a desire to gain the great Africanus' favor was the only reason; it is also possible, however, that Scipio was regarded as the friend of the Hellenes and as such was given especial honors.

Two other inscriptions testify that Scipio's philhellenism had its practical side. The first is a letter to the people of New Colophon,[12] written by the Scipios during the expedition against Antiochus, giving the New Colophonians official assurance that their temple would be allowed to retain its especial rights and privileges. The other is the famous letter of the Scipios to the people of Heraclea-by-Latmos, written during the same expedition, which was until recently supposed to have been written by Cn. Manlius Vulso, Lucius Scipio's successor.[13] The letter, which contains a number of

[10] Guarducci, pp. 78-81.

[11] Guarducci, pp. 66-68, identifies him with Cn. Cornelius Scipio Hispallus, a second cousin of Africanus who was rather young at the time; Cavaignac, Revue des questions historiques (1930) 59, argues for Cn. Cornelius Merenda, the praetor of 194.

[12] J. J. Hondius, Supplementum Epigraphicum Graecum, I, 440; see Holleaux, "La lettera degli Scipioni agli abitanti di Colofone a mare," in Rivista di Filologia, II, (N.S., 1924) 33-39. "Lucius Cornelius Scipio, commander-in-chief of the Romans, and his brother Publius Scipio present their compliments to the Senate and the people of Colophon; your very worthy ambassadors . . . presented themselves before us and communicated your resolution to us and with all due zeal treated with us conformably to the provisions of the resolution and asked us to provide that your temple may remain a sanctuary . . ."

[13] DeSanctis, Atti della Accademia di Torino, LVII, 242-249; Dittenberger[3], 618; Holleaux, Riv. di Fil., II, 41. "Lucius Cornelius Scipio, commander-in-chief of the Romans, and Publius Cornelius present their compliments to the Senate and the people of Heraclea. Your very worthy ambassadors . . . presented themselves before us and communicated your resolution to us and with all due zeal treated with us comformably to the provisions of the resolution. We are well-disposed toward all the Greeks and we shall endeavor, since you have surrendered to us at discretion, to make all possible provision for you and continually to be of service to you.

expressions of friendship toward the Heracleans and toward the Greeks in general and which promises freedom to such of the Greek cities as entrusted themselves to the Romans, indicates plainly that Scipio was a friend of Greek freedom.[14] It reminds us of the proclamations of Flamininus. Scipio, then, was not only interested in Greek culture and pleased to make offerings at the Greek shrines, but wished also to have the goodwill of the Greeks and to help them to regain their freedom. All this is properly connoted by the term "philhellenism."

We now are ready to discuss the second way in which Scipio made his influence felt during this period. It may be stated thus: the philhellenism of Scipio and his associates was one cause of the Second Macedonian War and largely determined both the conduct of the last two years of the war and the Senate's eastern policy from 198 until about 187. The question why the Senate decided to embark upon the second war with Philip is notoriously obscure and has been minutely considered from every point of view except the one proposed at the beginning of this chapter.[15]

The explanations of the Senate's resolve offered by scholars are numerous, varied, and sometimes startling.[16] DeSanctis is the most notable defender among modern scholars of the theory that Rome was aiming at dominion over the Mediterranean world.[17] The evidence against that view has been so

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We grant freedom to you and to such other cities as have entrusted themselves to us, to have full autonomy in all civil matters, and in other matters we shall endeavor by our assistance to be of continual service to you. We received your expressions and pledges of goodwill, and we shall endeavor in our return of gratitude not to be outdone. We send Lucius Orbius to take charge of your city and its surrounding country so that no one may disturb you."

[14] DeSanctis, Atti Ac. Tor., pp. 248-249, says that Scipio had taken seriously the "pretext" of liberating the Greeks; see M. Holleaux, "Rome and Macedon," in The Cambridge Ancient History, VIII, (hereinafter to be referred to as "Holleaux") 230 ff.

[15] Schur's study of these wars can hardly be taken seriously. He would have us believe that the Claudio-Fulvian faction was able to bring on the war with Philip so that its members might gain glory which would offset Scipio's (p. 71).

[16] T. Frank lists several in Roman Imperialism, p. 149.

[17] IV, 24-27, 576.

well put by Holleaux that we may as well pass on to the others without discussion.[18] The view set forth by Holleaux accords better with the facts.[19] He maintains that a groundless fear of the two kings, Philip and Antiochus, led the Romans to undertake the war against Philip. Rome did not fear Philip alone, but as the ally of Antiochus he seemed immediately dangerous. Holleaux's examination of the events in Greece and Asia could hardly have been more painstaking, but he does not give evidence that he understands the unusual forces affecting the views of the Romans of that day.

Mommsen believed that the Romans undertook to bestow freedom on the Greeks because of their high regard for Greek culture and their feeling that they stood closer to the Greeks than to any other people.[20] This view is shared by Frank,[21] who takes into account Rome's fear and hatred of Philip and adds the pertinent and psychologically sound suggestion that the Romans wished not only to help the Greeks, but to gain for Rome recognition as one of the civilized nations of the world.[22] The results of the study of the men of the period support this theory.

The opponents of this theory all recognize that Greek culture was greatly and increasingly esteemed at Rome at this time. There can be no doubt of that fact. They generally dismiss the theory that respect and admiration for the Greeks were partly responsible for Rome's entering this war as psychologically unsound, however. DeSanctis, for example, says, ". . . commettono . . . uno stesso errore: di confondere cioè gli elementi reali d'una politica qualsiasi con le sue sopra-strutture ideali e sentimentali; che non cessano d'essere sopra-strutture pel fatto che vi si presta fede." [23] Holleaux says, "Their philhellenism confined itself to things of the spirit, and was not allowed to be a factor in their public actions." [24]

There is considerable evidence that Hellenism was more

[18] Holleaux, p. 238.
[19] Loc. cit.; see the criticisms of Passerini in Athenæum, IX, 547, 554.
[20] II, 272, 298.
[21] Rom. Imp., ch. viii.
[22] Ibid., p. 150.
[23] IV, 26, n. 58.
[24] P. 159.

than an excrescence on the life of the Romans of the time.[25] For a great many years the Greek influence in religion had been growing even to the point where the old distinction between the *di indigetes* and the *di novensides* had ceased to be observed.[26] Greek rites were introduced, and the fact that in extremities the Delphic oracle was consulted betokens a feeling of respect and deference toward Greece in religious matters. The religion of our period was not Roman, but Graeco-Roman.[27] Education, too, was feeling the Greek influence. A number of Greeks were tutors to the sons of nobles or had schools.[28] The knowledge of the Greek language was growing. Flamininus probably was not the only Roman who was able to use the language with ease. The fact that Fabius Pictor and Cincius Alimentus wrote their histories of Rome in Greek indicates that there was at least a small public which could read Greek. The fact is also an indication that the Romans were conscious of Greek opinion; Fabius probably wanted the Greeks to have a history of the achievements of their "barbarian" neighbors. The development of the drama is also important evidence for us. The Roman playwrights did display ability and a sort of originality, but Roman drama was Greek in origin and in theme, and it must have been regarded as Greek by the average Roman. The tragedies handled the famous Greek tragic themes; the comedies were taken from Greek comedies of manners. New *ludi scaenici* were instituted rather often down through the time of these wars, and there can be no doubt that the stage was very popular. It had surprising success in competing with coarser forms of entertainment.

This, to be sure, is not direct evidence that the Romans felt such friendship for and kinship with the Greeks that they were willing to expend money and blood in the cause of Greek freedom. It does indicate, however, that they

[25] Colin, pp. 97-172.
[26] Warde Fowler, Religious Experience, pp. 255-266, 319 f.; G. Wissowa, Religion und Kultus der Römer, pp. 60-63.
[27] C. Bailey, "Roman Religion and the Advent of Philosophy," in The Cambridge Ancient History, VIII, 453.
[28] Colin, pp. 102-106.

deeply respected Greece and were fascinated by all aspects of the Hellenic culture. Hellenism in Rome was not the occasional amusement of a few nobles; it had affected the essence of Roman life. Here was a soil from which could flower a practical and costly generosity toward the Greeks.

If the conclusions hereinafter to be drawn from the study of the men of this period be sound, they tend to show that philhellenism was a political force. The evidence is not conclusive; too many of the operative factors are unknown to us. We find a very few men whom we can class as philhellenes; the conclusion will be drawn that they were associated politically with the philhellenic Scipio. We find, on the other hand, that Cato, who was a bitter enemy of Hellenism, was also a bitter political enemy of Scipio.[29] Further, after Scipio's fall the Roman policy toward the Greeks became decidedly harsher and less generous.[30] It is regrettable that so few men can be proven to have been either philhellenic or anti-hellenic; the conclusion will be drawn in this chapter that almost all the important men of the period were political allies of Scipio and his philhellenic associates,[31] and it seems reasonable to suppose that every member of the group was in sympathy with philhellenism. Were the evidence more plentiful, we might be able to say definitely that philhellenism and political alliance with Scipio went hand in hand.

We can see, then, how the impulse to a policy of somewhat sentimental generosity toward the Greeks may have arisen from the soil that was prepared for it. Surely we cannot say that the Romans had so deep a regard for Greece that they would have displayed this costly generosity at any time—say between 220 and 165—that the occasion arose. It happened, however, that when the occasion did arise the most influential man in Rome was a strong philhellene and a man of unusually large views and generous character and was supported by a

[29] Cato's political opposition to Scipio will be discussed in detail in connection with the trials of the Scipios.

[30] Frank, Rom. Imp., pp. 192-194, 196-199.

[31] The various men will be discussed passim, and at the end will be a brief discussion of those who have not been considered incidentally.

philhellenic group. His unusual personality may help us to understand the unusual response of the Romans to the situation in Greece.

Let us discuss briefly the evidence that these few men were both philhellenes and political allies of Scipio. We have already seen the evidence of the Delos inscriptions for Lucius Scipio's phihellenism, and we can take his political dependence on Africanus for granted. Scipio Nasica is said to have been a friend of Ennius,[32] and his whole political career shows that he was close to his cousin. M. Acilius Glabrio was a protege of Scipio. Münzer shows that Acilius probably came from southern Italy and was imbued with Hellenism, and suggests that that was one reason for Scipio's interest in him.[33] A further proof of Acilius' philhellenism is that he freed Delphi and bestowed many benefits on the temple.[34] He is generally said to have been the rough soldier type, but the only evidence is that he treated the Aetolians harshly,[35] which was natural enough. Ti. Sempronius Longus was also associated with Scipio.[36] The one fact that he was chosen to be consul with Scipio in the triumphant year 194 shows that he must have enjoyed the great man's support. His being a *decemvir sacrorum* (27, 6, 16) indicates that he had a considerable acquaintance with Greek religion. L. Aemilius Paullus is known for his philhellenism; he was a member of the Scipionic group as well.[37]

We know that M. Fulvius Nobilior was a philhellene; his patronage of Ennius,[38] his building the temple of Hercules

[32] Cicero, De Oratore, 2, 68, 276.
[33] P. 91.
[34] Dittenberger [3], 607-610.
[35] Polybius, XX, 9-10; Livy, 36, 27.
[36] Schur, p. 134; he seems to think that Sempronius' objection to L. Cornelius Lentulus' having an ovation in 200 is proof that Lentulus was opposed to the Scipionic group and additional proof that Sempronius was allied to that group. The granting of an ovation or a triumph was a weighty matter to the Romans, and we cannot assume that the question was settled on purely party lines in any instance unless we have strong proof.
[37] Schur, p. 136; he was also *triumvir coloniae deducendae* in 194 (34, 45, 5).
[38] Cicero, Tusculanae Disputationes, I, 2, 3.

Musarum to house some of the art treasures brought from Greece,[39] and perhaps the fact that Cato attacked him,[40] are evidence. We find, too, that Greeks were imported to help in the preparation of his games in 186 (39, 22, 1-2). Fulvius' association with Scipio is not so easily proved. Schur reckons him among Scipio's hereditary opponents.[41] We have seen, however, that the allegiances of the Romans did not depend solely on their family connections. Fulvius was curule aedile in 196 with C. Flaminius (33, 42, 8) and praetor in 193, (34, 54, 2) again with Flaminius. He distinguished himself by military successes in Farther Spain. He was elected consul for 189 in an election presided over by Laelius (37, 47, 1.7). On the following day he presided over the election of his colleague; Cn. Manlius Vulso defeated M. Aemilius Lepidus for the position.

The picture is not clear-cut. Fulvius and Flaminius seem to have been associated after a fashion, and Flaminius was more interested in Italy than in Greece, as we shall see. On the other hand, Fulvius' aedileship and praetorship fell in years when the Scipionic group was influential with the people, and Laelius presided over his election to the consulship; he may have been supported by the Scipionic group. The fact that the war against Antiochus had so far been carried on by men close to Scipio seems to show that the people relied on him; this is evidence, perhaps, that Fulvius and Manlius were elected through his support.

M. Aemilius Lepidus' attack on Fulvius is regarded by Schur as evidence that Fulvius was opposed to the Scipionic group.[42] As a matter of fact, Lepidus was not as close to the Scipionic group at that time as he had been earlier. His family was closely associated with the Cornelii,[43] and the years of his aedileship and praetorship, 193 and 191, were years in which the Scipionic group enjoyed great popularity. It may

[39] Platner and Ashby, Topographical Dictionary, p. 255.
[40] See n. 38.
[41] P. 88.
[42] P. 136.
[43] Schur, pp. 136-137.

be, too, that the influence of the Servilian-Scipionic group procured his appointment as commissioner to the East in 201 (31, 2, 3), when he was very young. By 187, however, Lepidus was beginning to be an independent force. His policy during his consulship shows that Italy and its problems interested him deeply, and the record of his censorship shows that that interest had persisted. Of course we should not be justified in saying that he attacked Fulvius on purely partisan grounds even if we knew that he was still close to the Scipionic group and that Fulvius was opposed to the Scipionic policies. Personal enmity (38, 43, 1) and an honest disapproval of some of Fulvius' conduct were probably the reasons. We had better class Fulvius as an ally of Scipio.

Cn. Manlius Vulso may have been both a philhellene and an ally of Scipio. At least the question is worth discussing, because it involves the question why Lucius Scipio was not continued in command against Antiochus. Manlius was curule aedile with Scipio Nasica in 197 (33, 25, 1). He was praetor in 195, however, a year in which the elements represented by Cato seem to have been influential with the electorate (33, 42, 7). He was consul in 189 and apparently owed his election partly to the influence of Fulvius Nobilior. His record, like that of Fulvius, does not show plainly with whom he was allied, but his election for 189 may well indicate that the Scipionic group supported him.

Manlius is generally said to have been sent by Scipio's ungenerous opponents to settle the affairs of Asia after the victory of Magnesia.[44] The Senate, instead of proroguing Lucius Scipio, named Asia as one of the consular provinces, and it fell to Manlius' lot (37, 50, 8). At first glance this seems to have been a sharp rebuff to the Scipios. It is possible, however, that they did not wish to remain in Asia, and that the sending of a new commander and the campaign against the barbarians was at their suggestion.[45] If we were sure that the news of the victory at Magnesia reached Rome

[44] Schur, pp. 88-89; DeSanctis, IV, 217-218; Holleaux, p. 228.
[45] Frank, Rom. Imp., p. 178.

before the assignment of provinces, we could be confident that the Scipios did suggest their own recall. If their deposition had been brought to pass by those members of the Senate who were hostile to the Scipionic policies, the commission appointed to assist Manlius should have been representative of the opposition. As a matter of fact, the commission was decidedly Scipionic.[46]

Manlius' campaign in Asia may well have been recommended by Scipio. Its value in establishing the Pergamene kingdom and in securing immunity from raids for the Greek cities is clear;[47] his falling in with the plan does not necessarily stamp him as a philhellene, but by the campaign he earned the gratitude of the Greeks of Asia Minor. Apparently he betrayed certain weaknesses of character during the campaign, and it was for these that some members of the commission of ten attacked him, not out of pure partisanship.[48] Manlius' offering at Delos may be an indication of philhellenism.[49]

The last and most important name upon our list is that of Flamininus. His philhellenism, of course, is unquestioned, but he is generally reckoned as an opponent of Scipio. Let us defer for a little the proof of their alliance. We find, then, that every man whom we can class as a philhellene was allied with Scipio politically. The philhellenism obviously was not the cause of the alliance in the cases of Lucius Scipio and Scipio Nasica, but at least we do find the two together. The converse proposition, that opposition to Hellenism connotes opposition to Scipio, will be demonstrated during the discussion of Scipio's fall. Both lines of evidence indicate that philhellenism had some practical effect on Roman policy.

Now that the chief objection has been considered, let us discuss the evidence from the war itself as to the importance of philhellenism. The Senate presumably decided on the war

[46] Schur (p. 91) recognizes the fact and suggests that the purpose of the Senate was to get them out of the way.

[47] Polybius, XXI, 40, 2.

[48] See Münzer, "Manlius" No. 91, in PW, XIV (part 1), 1222, for the contrary view.

[49] Holleaux, Strategos Hypatos, pp. 156 f.

shortly after the visit of the Pergamene and Rhodian envoys in 201. We may assume that Scipio returned from Africa in time to take part in the discussion.[50] He probably saw no more clearly than the rest of the Senate the possible danger from Philip, but he had the added motive of philhellenism. We have no direct proof, however, that philhellenism was one of the reasons for the Senate's decision, although it seems probable. Possibly the assignment of land to Scipio's veterans, which was an innovation, had the purpose of making soldiering seem more attractive to the people, so that their approval of the war could more easily be obtained when the time came to ask for it.

P. Sulpicius Galba, one of the consuls of 200 and a man experienced in warfare in Greece, was the first commander in this war. Probably the Senate supported his candidacy for the consulship with a view to using him in Greece.[51] Sulpicius did not gain any noteworthy military success. More important, however, is the fact that he was not able to gain any of the Greeks as allies.[52] His harshness and cruelty during the First Macedonian War had aroused general resentment among the Greeks, and at this time they showed themselves unwilling to have anything to do with him. It is significant also that he was not prorogued, but sent as adviser to Flamininus that his knowledge and steadiness might be used while his harshness and tactlessness were kept from doing too much harm.

Apparently both the consuls for 199, L. Cornelius Lentulus and P. Villius Tappulus, were associated with Scipio. Lentulus was of the Cornelian family, of course. With L. Manlius Acidinus he succeeded Scipio in Spain, returning in 200. Münzer remarks that Manlius' advancement after the return

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[50] DeSanctis, III (part 2), 598-601, and Münzer, Adelsparteien, p. 145, for chronology.

[51] Holleaux, p. 156; Münzer, "Sulpicius" No. 64, in PW, Series II, VII, 805; Schur, p. 72. It is worth noting, however, that the necessary ten years' interval since his first consulship had just expired and that he probably could have been reelected on his record.

[52] Holleaux, p. 167.

from Spain was far less rapid than that of Lentulus, who enjoyed the support of the Scipionic group, and probably the difference between their subsequent careers should be so explained.[53] The fact that as consul Lentulus chose the brothers Aelius Paetus, who were associates of Scipio, as commissioners to remedy some difficulties of the colonization of Narnia indicates a connection with the Scipionic group. Apparently Villius also was associated with Scipio and with the Servilii. He was plebeian aedile in 204 with P. Aelius Paetus (29, 38, 4-5) and praetor with him in the following year, a year in which the Servilii dominated the elections. We find, too, that he was a member of the commission for distributing land to Scipio's soldiers (31, 4, 1-3).

That commission deserves careful consideration. We should naturally expect it to be composed of men closely associated with Scipio—there would be no need of minority representation on such a commission—and such is the case, as far as we can determine. The first man in Livy's list, P. Servilius, is not mentioned elsewhere, but we may assume that he was in sympathy with the other Servilii and with Scipio. Q. Caecilius Metellus presumably was still in sympathy with Scipio at this time,[54] as were the third and fourth members, C. and M. Servilius Geminus. L. and A. Hostilius Cato appear in the account of one of the trials of Lucius Scipio as his legates while he was in Asia (38, 55, 5).[55] The seventh member is Villius. The eighth is a M. Fulvius Flaccus whom we cannot place. Ninth comes P. Aelius Paetus, and the last is none other than Flamininus.

Münzer regards the commission as Servilian, not Servilian-Scipionic.[56] We have already seen that the evidence for the rift between the Servilii and Scipio is very weak, and the

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[53] "Manlius" No. 46, in PW, XIV (part 1), 1164 ff.

[54] Münzer, pp. 146, 142, notes his close connection with the Servilii. It is curious that he does not consider Caecilius' continued support of Scipio at the end of the past war as evidence that the Servilii still were supporting Scipio.

[55] The authenticity of this trial will be discussed in the next section.

[56] Münzer, pp. 145 f.

constitution of this commission is further evidence that there was no such rift. Apart from the reasonableness of the commission's being made up of Scipio's friends, we find at least six men—Caecilius Metellus, the Hostilii Catones, Villius, Aelius Paetus, and Flamininus, who were probably as much Scipionic as they were Servilian. The Servilii did not hold office during the next ten years, but we find them serving on other commissions on which their associates apparently were of the Scipionic group and which appear in some cases to have been carrying out Scipionic policies. We might mention the colony commissions of 198 (32, 29, 3-4) and of 194 (34, 45, 2) and a commission to Greece in 192 (35, 23, 5). Servilius Caepio's heading the commission to Africa to complain of Hannibal can hardly be interpreted as evidence either of friendship or of opposition to Scipio (33, 47, 3-8).

The fact that Villius was on the commission of 201, then, would seem to indicate that he, as well as his colleague, was associated with the Servilian-Scipionic group. Villius drew Macedonia as his province, but arrived late in the year and accomplished nothing before being relieved by Flamininus (32, 6, 8). The war had not been without results before the advent of Flamininus,[57] but the Greeks had been disappointingly unenthusiastic. Sulpicius and Villius had been able to win none of them over. Apparently they still feared and disliked the Romans. The superiority of Flamininus' diplomacy over that of his predecessors need not be discussed in detail. His demand that Philip free all his Greek subjects was the beginning of an apparently successful campaign to convince the Greeks of Rome's sincerity and good intentions.

The election of a man so well suited to the task before him was not accident. The Senate's support of Flamininus' candidacy against the tribunes shows us that the fathers approved of his election (32, 7, 8-11). He was not yet thirty, and his career had not been such as to give him a legitimate claim on the consulship or make him a popular hero,[58] so we must

[57] Holleaux, p. 168.

[58] See Münzer, pp. 117-119, for his earlier career and his connections.

conclude that he was put forward by his elders. Schur maintains that Flamininus was connected with the Fabian party and that all those who resented Scipio's greatness supported the younger man as the "lang gesuchte Gegenwicht gegen den Sieger von Zama."[59] It is more probable that Scipio and his group, disregarding family connections, raised the young man to the consulship because according to their views the war in Greece required a commander of Flamininus' type.

Flamininus is generally reckoned as an opponent of Scipio on the basis of his family connections,[60] his contest with Scipio over the consular election for 192, and Scipio's recommendation that Greece be made a consular province in 194, although Flamininus was planning its evacuation. There is weighty evidence for the other view, however. In the first place, the two had the same attitude toward Hellenism and the Greeks.[61] Our sources give us evidence of Flamininus' knowledge of the language, his ability to deal with the people, his high regard for their customs, and his desire to gain their approval and goodwill.[62] We know that he really desired to see a free Greece.

Secondly, we have direct evidence that Scipio was interested in Flamininus. The first indication is Flamininus' presence on the aforementioned commission for distributing land to Scipio's soldiers. We find him on another land commission with Terentius Varro and Scipio Nasica in 200, (31, 49, 6) then in charge of the colonization of Narnia and Cosa.[63] He especially invited Scipio's old soldiers to enlist with him for service in Greece,[64] and in his censorship he chose Scipio *princeps senatus* (38, 28, 2). The Scipionic group was influential

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[59] Pp. 71-74.
[60] See n. 58.
[61] Colin, pp. 133 f.
[62] Holleaux, p. 169; DeSanctis, IV, 76-77; L. Homo suggests ("Flamininus et la politique romaine en Grèce," in Revue Historique, CXXII, 27) that Flamininus could not have acquired any considerable Greek culture before going to Greece, which can hardly be true. Homo's conclusion is that Flamininus while in Greece was merely the agent of the Senate's policy of pursuing Rome's interests.
[63] Plutarch, Flamininus, 1, 6.
[64] Plut., Flam., 3, 1; Livy, 32, 9, 1.

enough with the electorate at this time to be able to procure the election of its chosen candidate; we have just seen that both the consuls of 199 were associated with the group. Not only was Flamininus in full accord with Scipio's views on Greek culture and the Greeks, but Scipio and the philhellenes apparently were responsible for his election to the consulship.

Sextus Aelius Paetus' election as colleague of Flamininus is further evidence that the dominant group desired a commander in Greece who could gain the confidence of the Greeks and convince them that Rome's profession of being the champion of Greek liberty was sincere. Aelius, too, was raised to the consulship without having held all the preliminary offices.[65] His record, like Flamininus', does not explain why he should suddenly have forged ahead, unless he was supported by the Scipionic group. Both the brothers Aelius Paetus were allies of Scipio. Publius was elected censor with Scipio in 199 (32, 7, 2-3) and was on the land commission of 201. Presumably his election to the censorship was effected by Scipio's influence with the people. Sextus was censor with C. Cornelius Cethegus in 194, (34, 44, 4) a time when Scipio completely dominated the elections. Publius' election to the consulship for 201 through the help of the Servilii is, as has been noted, evidence that the Servilii and Scipio were not estranged.

Sextus Aelius Paetus' personality is of as much importance as is the bare fact of his connection with the powerful Scipionic group, however. He was the author of the *Tripertita,* an excellent edition and commentary on the Twelve Tables with a compendium of the forms of action. Cicero tells us that he was "iuris quidem civilis omnium peritissimus, sed etiam ad dicendum paratus."[66] He also tells us that Paetus was said to have a very broad education.[67] We may assume that that implies a considerable acquaintance with Greek culture. We get the picture, then, of a wise, intelligent, learned, and forceful man, and the natural inference is that

[65] Münzer, p. 118, n. 1.
[66] Brutus, 20, 78.
[67] De Oratore, III, 33, 133.

he and Flamininus were both put forward because both were the type desired for the conduct of the war in Greece.[68] The task fell to Flamininus' lot, and he won the fame that Aelius might as well have had.

Unfortunately we do not know the names of all the ten commissioners who were sent to assist Flamininus in Greece. We have Sulpicius Galba and Villius Tappulus, (33, 24, 7) P. Cornelius Lentulus Caudinus, L. Stertinius, L. Terentius Massiliota, and Cn. Cornelius Lentulus, (33, 35, 2) and P. Aelius Paetus (34, 59, 8). Sulpicius was not a philhellene and probably not a political associate of Scipio, but he did not stand with Cato at the extreme of anti-Hellenism. He doubtless was a useful member of the commission, since he had campaigned in Greece for several years. Aelius Paetus and P. Cornelius Lentulus were definitely of the Scipionic party, and Cn. Cornelius Lentulus may still have been a member of the party in good standing, since his unwise attempt to replace Scipio in Africa had been based, not on an opposition of principle, but on personal ambition, which could be understood and overlooked. Villius apparently was somewhat associated with the Scipionic group, as we have seen. The only useful evidence that we have about Stertinius is that he erected three arches topped with gilded statues, (33, 27, 4) a most unusual way of employing the proceeds of booty and one which implies an interest of a sort in art. Perhaps he may be classed with the philhellenes. L. Terentius Massiliota cannot be labeled with certainty. There is a fair probability that the Scipionic, philhellenic group dominated the commission.

So far the evidence seems to point to Flamininus' being the creature of Scipio. On the other hand, a number of incidents seem at first view to indicate mutual opposition. In the first place, Livy tells us (32, 28, 3-9) that the consuls of 197, C. Cornelius Cethegus and Q. Minucius Rufus, were about to draw lots for Italy and Macedonia when two tribunes intervened and demanded Flamininus' prorogation for efficiency's

[68] The fact that L. Cornelius Lentulus presided over the election is not without importance.

sake. The consuls agreed to let the Senate act, and it prorogued Flamininus. The incident does not signify that the Scipionic group was hostile to Flamininus, although both consuls belonged to that group.[69] A more likely reason for their action is that they felt that the most important posts belonged of right to the consuls and that either one of them was competent to succeed Flamininus. Loyalty to the party was not strong enough to make them abandon what they considered legitimate expectations. Ti. Claudius Nero's attempt to succeed Scipio in Africa in 202 is roughly analogous. Two tribunes restrained Cornelius and Minucius, and it may be that as so often happened in this period the tribunes were acting for a noble and that Scipio was taking this method of keeping the best available man in command in Greece.[70]

In 194 Scipio asked the Senate to declare Macedonia a province because of his apprehension that Antiochus might cross into Greece (34, 43, 4-9). We cannot be sure that Livy's statement rests upon a good source, but we have other evidence that Scipio was concerned about the possible danger from Antiochus. In 194 eight maritime colonies were founded at strategic points: Puteoli, Volturnum, Liternum, Salernum, Buxentum, Sipontum, Tempsa, and Croton (34, 45; see also 32, 29, 4). We should naturally infer that this was a measure of Scipio's from the fact that he was consul in that year, and in fact the commissions were composed largely of his associates.

The first commission mentioned by Livy was composed of Sempronius Longus, M. Servilius Geminus, and Q. Minucius Thermus; this commission handled the first five colonies on the list. Two members of the commission for Sipontum, M. Helvius and D. Iunius Brutus, cannot be placed. The other, M. Baebius Tamphilus, was more prominent, but we cannot say with certainty that he belonged to the Scipionic

[69] See the end of this chapter.

[70] Holleaux (p. 172) accepts Plutarch's statement (Flam., 7) that Flamininus' friends put the price of peace so high that Philip would surely refuse, and that they would have softened the terms and granted peace had they been unable to have him prorogued. Hardly.

group. He and his brother seem to have had some relation with L. Aemilius Paullus and P. Cornelius Cethegus in their consulships, which fell in 182 and 181, but he also was a member of a commission to Greece which acted much more in accord with Cato's policies than those of Scipio (39, 24, 13). The commissions for Tempsa and Croton are clearly Scipionic. L. Aemilius Paullus and L. Cornelius Merula surely were associated with Scipio. We find Cn. Octavius cooperating with Scipio in Africa; (29, 36, 1-3; 30, 36, 3) he also did good work as legate to Greece in 192 with Flamininus (35, 23, 5). C. Laetorius is not easy to place. Perhaps his being *decemvir sacrorum* (27, 8, 4) is the most significant fact we have about him. We cannot classify C. Salonius. Scipio's having a house at Liternum (38, 53, 8) is an indication of his interest in these colonies, and during his censorship he had shown an interest in the southern ports (32, 7, 3).

This evidence justifies two conclusions. The first is that Scipio was genuinely concerned about the danger from Antiochus and was taking all possible precautions. The second is that although he may have advised the further occupation of Greece at a time when Flamininus was making ready for its evacuation, he was not aiming thereby to embarrass or discredit Flamininus. It was a difference of opinion: Scipio felt that the Greeks had better endure Roman occupation for another year or so for the sake of the safety of the West against Antiochus, while Flamininus believed that more was to be gained by evacuating Greece.[71]

The consular elections for 192 found Lucius Flamininus and Scipio Nasica opposed as patrician candidates; Flamininus was elected. We need not regard this as evidence that Publius Scipio and Titus Flamininus were personally opposed. We could hardly expect two Romans to be so closely united by their agreement on certain policies that they would agree both to support the nominee of one for the consulship. The consulship meant too much to a Roman for that. It is possible that Cn. Domitius Ahenobarbus, the successful plebeian

[71] Holleaux, p. 192.

candidate, was the Scipionic nominee for the position; if this be true, the result of the election cannot be regarded as indicating popular disapproval of the Scipionic policies. Domitius was praetor in 194, presumably under Scipio's auspices, and was treated with marked favor by him in Asia. We are not compelled to believe that Scipio supported Laelius in this election,[72] so his plebeian candidate may have been successful after all.

We see that Scipio, instead of being Flamininus' chief opponent, was the force that put Flamininus in command in Greece and kept him there. The fact that a philhellenic commander was put in charge by the influence of a philhellenic group and that the Roman demands were enlarged to the great advantage of the Greeks and beyond what was necessary against Philip and Antiochus shows that the war was taking a philhellenic turn. Although we have reason to believe that philhellenism was one of the causes of Rome's joining the coalition against Philip, we can assert with more confidence that it was a philhellenic war after the election of Flamininus to the consulship.

We need not make a detailed analysis of the official acts of Flamininus. The Romans adhered rather well to their plan of freeing all the Greeks. Sometimes they were harsh and arbitrary. They did not always consult the Greeks or satisfy them by the new arrangements. It were profitless, however, to examine and weigh each act of the Romans in Greece and to try to determine whether or not it was the act of ideal liberators. The Greeks made the task more difficult than it might have been, and Flamininus and the Senate had not the necessary knowledge and experience.

Rather than dispute every little point of the sort let us examine the final arrangements. The most significant fact is that in the peace with Philip and in that with Antiochus Rome departed from her usual method of following up victory.[73] Under the old system the conquered monarchs would have been enrolled as *socii,* but they became only *amici.* Per-

[72] Münzer, "Laelius" No. 2, in PW, XII, 403.
[73] Frank, Rom. Imp., pp. 185-187.

haps under the old system the Greeks, in whose behalf the two wars had ostensibly been fought, might have received a rather pressing invitation to become *socii.* They remained *amici,* however. Rome gained no new members for her federation who were bound to support her in her defensive wars.

This was a striking liberalization of foreign policy. It made Rome (or would have, had she not been too strong for the other Mediterranean republics) not the head of a tightly-bound federation, but a friend of the famous republics of the time, a recognized equal among the civilized nations of the world. We can easily understand that the philhellenic group preferred such a relation to the peoples whom they so admired.

Not only did the Senate refrain from compelling the eastern peoples to join the Roman federation, but after the war with Philip it refrained from interfering with the Greeks in spite of very strong provocation, a policy which probably should be characterized as philhellenic. Flamininus evacuated Greece in the face of the danger from Antiochus (there may have been some practical advantage in that move, however).[74] Thereafter the Senate refused to interfere in the disputes of the Greeks even when it was a party to their treaties and was appealed to by both sides, as in the case of the lengthy dispute of the Achaeans and Spartans after 191. It was only after Cato had gained greatly in influence that blunt commands began to be issued to the Greeks; until that time the Senate showed rather remarkable forbearance.

Before we go on to the discussion of the fall of the Scipios, we should at least sketch the influence of the men opposed to Hellenism. Cato, of course, was the most important one, although the evidence does not clearly indicate that he was the leader of a group which rallied around that principle. He was Scipio's quaestor in Sicily; the two disagreed on Scipio's attitude toward the finances, and Cato was sent home.[75] Naturally he was Scipio's enemy thereafter. He

[74] See n. 71.
[75] Plut., Cato Maior, 3, 7-8; cf. Livy, 29, 25, 10.

became plebeian aedile in 199 and praetor in 198 (32, 7, 13). In 195 he held the consulship with his patrician friend and patron L. Valerius Flaccus. His election surely was not due to the influence of the Scipionic group, but it is hard to ascertain what the reason was. Possibly the people resented the policy of costly generosity toward the eastern peoples and elected Cato and Flaccus because they represented very different principles. Nepos says that Scipio tried to replace Cato in Spain for 194,[76] and Plutarch even states that he did so.[77] If Nepos' statement were true, it would reveal another reason for Cato's known enmity to Scipio; Livy tells us, however, that the Senate voted to disband the Spanish army, (34, 43, 8) so Nepos is probably wrong.

We cannot be sure of Cato's political affiliations during the period of the eastern wars;[78] perhaps he had none except with Valerius Flaccus. Probably Q. Caecilius Metellus, the faithful supporter of Scipio's African expedition, agreed with Cato in disapproving of the adventures in the East. At any rate, he drops out of sight after serving on the commission to distribute land to Scipio's soldiers and appears only once during the period when the Scipionic group was in power. That once he is said (35, 8, 4) to have supported Marcellus' objection to the triumph of L. Cornelius Merula. Finally, after the decline of the Scipionic power, he headed a commission to Greece. His treatment of the Greeks was certainly not that of a philhellene.[79]

M. Claudius Marcellus, the son of the conqueror of Syracuse, may also have been in agreement with Cato in disapproving of Scipio and his policies. Schur reckons him as one of the leaders of the opposition to Scipio.[80] He conducted the election from which Cato and Valerius Flaccus emerged as consuls (33, 42, 7). This proves little; we may assume that the philhellenes made such efforts to defeat Cato that

[76] Cato, 2, 2.
[77] Cato, 11.
[78] Schur (p. 74) classes him as a Fabian.
[79] Polybius, XXII, 10.
[80] P. 71.

the influence of the presiding officer cannot have made any great difference in the result of the election. Marcellus was instrumental in the Senate's refusal of a triumph to L. Cornelius Merula in 193 (35, 6, 8-10.8). The Senate did not grant the triumph, which of itself shows that he must have had grounds for criticizing the consul's conduct. Since he was Merula's legate, it is possible that the two had been good friends until Marcellus found himself obliged to speak of Merula's incompetence. We find that both were praetors in 198, (32, 7, 13) but Cato was praetor in the same year. Marcellus' election as censor with Flamininus probably shows only that Flamininus had not forgotten his early friendship with the Claudians. Scipio's insistence on the restoration of the possessions of the Syracusans may well have been a deep offence to Marcellus, who probably had more of them in his possession than anyone else did. His attempt to continue the war in 196 (33, 25, 4-5) probably should be ascribed only to a desire for glory; it does not help us to ascertain why he was elected. Probably Marcellus should be reckoned as an opponent of Scipio and somewhat in sympathy with Cato.

The discussion of a few men is necessary to substantiate the assertion that most of the important men of this period were associated with Scipio. We have just seen that Cato and Valerius Flaccus, Caecilius Metellus and Marcellus are the only important opponents. The Servilii and the Aelii Paeti, who were his allies during the early period, remained so. We cannot be sure that Licinius Crassus' relation to Scipio ever amounted to more than accepting the consulship for 205 so that Scipio would be free to go to Africa. From that time on we hear only of his activities as pontifex maximus; of course his not being able to leave Italy closed many important positions to him. Schur considers his disallowance of Cato's performance in 195 of a *ver sacrum* as a purely partisan move.[81] Licinius' other priestly activities show that he took his office rather seriously and insisted always on correctness of procedure in religious matters, and it is likely that

[81] P. 80.

he acted only on principle in this case. M. Cornelius Cethegus died in 196, (33, 42, 5) and M. Livius Salinator, who was an old man, probably died soon after his censorship. We hear no more of L. Veturius Philo after he accompanied the Punic envoys to Rome after Zama, (30, 38, 4) nor of P. Sempronius Tuditanus after he was sent as envoy to Ptolemy in 201 (31, 2, 3). The Servilii and the Aelii Paeti, then, were the only early associates of Scipio who were still associated with him during the period of the eastern wars. Perhaps some of those who died would have swung away from him like Caecilius Metellus had they lived.

The consuls of 199, Lentulus and Villius, and those of 198, Flamininus and Sextus Aelius Paetus, have already been shown to have been members of the Scipionic group. The consuls of 197, Q. Minucius Rufus and C. Cornelius Cethegus, also were members of the group. The Minucii inherited a connection with Scipio,[82] and the three members of the family most prominent in this period, M. and Q. Minucius Rufus and Q. Minucius Thermus, seem all to have preserved the connection. The relation is most evident in the case of Q. Minucius Thermus. He and Acilius Glabrio as tribunes in 201 twice repressed Cn. Cornelius Lentulus' attempts to interfere with Scipio (30, 40, 9. 43, 2). He was curule aedile in 198 with Ti. Sempronius Longus (32, 27, 8) and praetor in 196, (33, 24, 2) a year in which Scipio's group fared well in the elections. He served as colony commissioner with Sempronius Longus and M. Servilius Geminus (32, 29, 4). In 193 he was consul with L. Cornelius Merula (34, 54, 1). The affiliations of the other two are not so clear, but we may reasonably infer that they, too, belonged to the Scipionic group. Q. Minucius Rufus was praetor in 200, (31, 4, 4) a year when the Servilian-Scipionic group apparently was influential with the electorate, and consul with Cethegus in 197,

[82] Schur, p. 121; see Münzer, "Minucius," Nos. 30, 53, 55, 65, in PW, XV (part 2). The fact that Q. Minucius Rufus is associated with Marcellus and Valerius Flaccus in the Senatusconsultum De Bacchanalibus (see ch. v, n. 11) may mean that in this matter he was aligned with the reactionaries.

(32, 27, 6) another Servilian-Scipionic year. M. Minucius Rufus was praetor in 197 (32, 27, 7) and accompanied Scipio and C. Cornelius Cethegus on their errand of reviewing the boundary dispute between Masinissa and the Carthaginians (34, 62, 16).

C. Cornelius Cethegus doubtless belonged to Scipio's party. We have already seen that his cousin M. Cornelius Cethegus had been a supporter of Scipio. C. Cornelius was consul in 197 and censor in 194 (34, 44, 4). In 193 he accompanied Scipio to Africa. His rise was rapid beyond his apparent merits, for he seems to have held no office before his election in 200 as proconsul to command in Spain, (31, 49, 7) yet he attained the consulship in 197, passing over the praetorship, and was elected censor only three years later.

The consuls for 196 were M. Claudius Marcellus and L. Furius Purpureo. Marcellus probably was unfriendly to Scipio. Schur reckons Furius as a member of the Scipionic group.[83] His chief reasons are not convincing, however. The first is that C. Aurelius Cotta, "who was allied with the Servilii," tried in 200 to prevent Furius' having a triumph. Alliance with the Servilii does not connote opposition to the Scipionic group, as we have seen. Schur's second point is that Furius opposed the triumph of Cn. Manlius Vulso.[84] We have seen that it is not certain that Manlius was an opponent of Scipio. Furius' attempt to prevent Manlius' triumph probably rested more on grounds of principle than of loyalty to a faction.

His appointment to the Asian commission of 189, (37, 55, 7) which was dominated by members of the Scipionic group, may signify a connection with Scipio. On the other hand, he may have been a minority member whose appointment was procured by the group who were alarmed at the behavior of recent generals and feared the possible results of contact with the East. Possibly Furius approved of the Scipionic policies, yet was sympathetic with the interest of the conserva-

[83] Pp. 132, 135.

[84] See Münzer, "Furius" No. 86, in PW, VII, 363. The authenticity of the proceedings will be discussed in the next chapter.

tives in constitutionality and purity of mores. We must admit that we cannot determine whether he stood between the two groups or was allied only with the conservatives. His election as consul for 196 can be interpreted either way.

Cato and Valerius Flaccus, the consuls of 195, were unfriendly to Scipio. Scipio and Sempronius were consuls in 194 and Cornelius Merula and Minucius Thermus in 193. Lucius Flamininus was not Scipio's candidate for 192, but he was in sympathy with Scipio's principles, and Domitius probably was Scipio's plebeian candidate. In 191 Scipio Nasica and Acilius Glabrio were consuls, and 190 Lucius Scipio and Laelius, and in 189 Fulvius Nobilior and Manlius Vulso, who probably were the Scipionic candidates. Of the consuls of 188, C. Livius Salinator probably was supported by the Scipionic group.[85] M. Valerius Messalla, his colleague, can hardly be placed. At least we have no evidence that he was strongly opposed to Scipio.

Several men who progressed only as far as the praetorship are worth mentioning. Cn. Cornelius Merenda and Cn. Cornelius Blasio, both praetors in 194, and A. Cornelius Mammula, praetor in 191, doubtless owed their election to Scipio,[86] as did Sextus Digitius and T. Iuventius Thalna, also praetors in 194.[87] L. Aemilius Regillus, who was praetor in 190, probably is to be reckoned as one of the group. P. Cornelius Lentulus Caudinus seems to have been a man of some ability; it is strange that he did not attain the consulship.[88]

The mere fact that the consuls of any year were friends of his does not signify that Scipio could control the Senate in that year; on the contrary, the Senate's refusal to declare Macedonia a province in 194 shows that on occasion it could put him in his place. Since so many influential senators were associated with him, however, and since his personal influence in the Senate must have been considerable, it is reasonable to assume that on most occasions during this period

[85] Schur, p. 136.
[86] Schur, p. 34.
[87] Münzer, pp. 92-94.
[88] Münzer, "Cornelius" No. 214, in PW, IV, 1379 ff.

he was the director of senatorial policy. The history of the period confirms that assumption.

Our conclusion must be, then, that Scipio's influence on the course of events during this period was very important. He promoted the appropriation of Greek culture at Rome, not only by his own interest and by his encouragement of the drama, but indirectly by his support of the wars that so swelled the stream of Hellenism. He promoted a feeling of friendliness toward the Greeks, perhaps the least permanent part of his work. He was one of the chief authors and directors of two wars which had important political consequences. Lastly, he endeavored to liberalize foreign policy so that Rome could cooperate with the other Mediterranean states according to their more flexible system of alliance. His achievements during this period are probably as important as those of the earlier period.

# CHAPTER V

## The Catastrophe

Scipio's brilliant career had a tragic end. Forces set in motion by the impact of his personality, by the character of his policies, and by his mistakes combined to discredit and disgrace him. The reconstruction of the attacks on him and his brother is difficult, for a large part of the evidence consists of scanty, isolated notices, and the only connected account that we have—that of Valerius Antias, preserved by Livy—is marred by a number of demonstrable inaccuracies.[1] The task is not hopeless, however, for we can detect reliable elements in Antias' story, and the scattered notices contain much of value. Once the direct attacks on the brothers Scipio have been described, we may discuss the other manifestations during the years 187-183 of the reaction against Africanus and his policies and try to show the meaning of the whole movement.

Even at the time when Antias was writing the material for an account of the trials probably was little better than it is now. Antias and Livy were interested in the subject, but they were handicapped by lack of evidence. If some senator of Scipio's time who had observed and understood the whole process had seen fit to write an account of it, later historians would have had in his account what might be called first-class evidence. Unfortunately such was not the case. Fabius Pictor[2] and Cincius Alimentus[3] did not continue their histories beyond the year 200, as far as we can tell. C. Acilius,

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[1] The most important investigations are those of Mommsen, "Die Scipionenprozesse," in Hermes, I, 161 ff., reprinted in Römische Forschungen, II, 417 ff.; Plinio Fraccaro, "I processi degli Scipioni," in Studi storici per l'antichità classica, IV, 217 ff.; De Sanctis, IV, 591 ff.; Münzer, "Cornelius" No. 337, in PW, IV, 1475-83.

[2] Münzer, "Fabius" No. 126, in PW, VI, 1837.

[3] Münzer, "Cincius" No. 5, in PW, III, 2556 f.

Postumius Albinus, and Cassius Hemina must all have been mere boys at the time of the trials.[4]

Even had a historian witnessed the trials, however, later Roman historians probably would have had a full account from his pen, for the historians of the first half of the second century did not regard such proceedings as the stuff of history. Polybius, for example, doubtless could have composed a good account with the help of eyewitnesses and those who had known eyewitnesses, but he seems to have considered mere trials beneath the dignity of a universal history.[5] He tells us how Scipio tore up the accounts in the Senate and how he confounded the men who accused him before the people, and it is plain that both anecdotes were inserted for the light they threw on Scipio's character, not as part of an account of the trials.[6] "I have related these anecdotes," he says, "for the sake of the good fame of the departed and to incite their successors to achieve noble deeds."

There is no basis for Mommsen's postulating an early or contemporary account of the trials which was both full and accurate.[7] He does not say who may have written it or when it may have been written. Polybius, he says, gives the least corrupted version of it, another stage in its fall from grace is reflected by Cicero and Aulus Gellius, and Antias fairly debauched it. The probability is that Antias had no such account to use and that the anecdotes in Polybius are a fair sample of what was available to him in the writers up to Polybius' time.

There was reliable material otherwise available to Antias, however. Some of it came originally from the official archives. Apparently the earlier historians had not used this source for the trials; at least there is no evidence of their using it. Perhaps the annalists of Calpurnius Piso's time extracted the material from the archives and Antias found it in the work of one of them. Piso, at least, was rather diligent in

[4] Schanz-Hosius, VIII (part 1) 176-177, 194.
[5] Mommsen, p. 421.
[6] XXIII, 14.
[7] P. 431.

documenting his work.[8] At any rate, the archives seem to have been made to yield a fair amount of valuable information on these trials by the time when Antias wrote.

First, *senatusconsulta* were preserved, the repository being the *aerarium* in the temple of Saturn.[9] That fact lends plausibility to a *senatusconsultum* reported by Antias. Livy says, (38, 54, 1-2) following Antias, that after the people had voted for an investigation of Lucius Scipio, the praetor Sulpicius put the question to the Senate who should conduct the investigation, and the Senate decreed that Terentius Culleo should do so. This concise report may well be based on a *senatusconsultum* which was to be found in some one of Antias' fairly near predecessors.

*Leges* and *plebiscita* also were preserved in the *aerarium.*[10] Antias reports one *plebiscitum,* the one just mentioned. The two Petillii,[11] at Cato's request, proposed and carried this rogation (38, 54, 3-4): "velitis iubeatis . . . quae pecunia capta ablata coacta ab rege Antiocho est quique sub imperio eius fuerunt, quod eius in publicum relatum non est, uti de ea re Ser. Sulpicius praetor urbanus ad senatum referat, quem eam rem velit senatus quaerere de iis, qui praetores nunc sunt." Fortunately there is another proof that this represents an actual rogation. The *praetor urbanus,* Servius Sulpicius Galba,[12] was directed to put the question to the Senate because the consuls, one of whom would naturally have done so,[13] were both absent from the city (38, 42, 13; 38, 44, 8). Antias was not the kind of historian who would remember that the consuls were absent and adjust the word-

[8] Peter, Hist. Rom. Rel., CLXXXXIII, CLXXXXVI.
[9] C. Dziatzko, "Archive," in PW, II, 561.
[10] Ibid.
[11] Possibly there was only one. In the language of the Senatusconsultum De Bacchanalibus (Hermann Dessau, Inscriptiones Latinae Selectae, 18, l. 3) we find the final -us of some of the names dropped, as Claudi(us), Valeri(us). That act dates from 186, and it may be that Cato's speech gave names in like form, so that they were afterward taken as nominatives plural instead of singular. See Fraccaro, p. 293.
[12] His name, with that of Terentius Culleo, is to be found in Livy's list of praetors for the year (38, 42, 4).
[13] Mommsen, Staatsrecht, II, 129.

ing of the rogation accordingly; he must have found it reported in Piso or someone else who had it from its source in the archives.

There is no direct evidence that an *irrogatio multae* by a tribune would be recorded; it is reasonable to suppose, however, that the tribunes regarded such official acts as worth recording. Such an *irrogatio* would be the basis for Gellius' statement, "L. Scipioni Asiatico, P. Scipionis Africani superioris fratri, C. Minucius Augurinus tribunus plebi multam irrogavit eumque ob eam causam praedes poscebat."[14] The records of the treasury (or perhaps those of the tribunes) may well have contained the statement that Lucius Scipio was convicted for a certain amount, although the figures given by Antias (38, 55, 6-7) cannot have been the original figures, as we shall see.

Two tribunician decrees figure in our evidence, both in connection with Lucius Scipio's prosecution by Minucius. Gellius tells us, continuing his account of that trial, that Africanus called on the other tribunes to protect his brother, *consularem triumphalemque,* from Minucius. Eight tribunes gave this decree, he says:

Quod P. Scipio Africanus postulavit pro L. Scipione Asiatico fratre, cum contra leges contraque morem maiorum tribunus pl. hominibus accitis per vim inauspicato sententiam de eo tulerit multamque nullo exemplo irrogaverit praedesque eum ob eam rem dare cogat aut, si non det, in vincula duci iubeat, ut eum a collegae vi prohibeamus. Et quod contra collega postulavit, ne sibi intercedamus, quominus suapte potestate uti liceat, de ea re nostrum sententia omnium ea est: si L. Cornelius Scipio Asiaticus collegae arbitratu praedes dabit, collegae ne eum in vincula ducat intercedemus; si eius arbitratu praedes non dabit, quominus collega sua potestate utatur non intercedemus.

Minucius thereupon ordered Lucius Scipio to be imprisoned, but the tenth tribune, Tiberius Gracchus, although he insisted that he still was not reconciled with Africanus, issued this decree:

Cum L. Cornelius Scipio Asiaticus triumphans hostium duces in carcerem coniectarit, alienum videtur esse dignitate reipublicae, in

[14] VI, 19, 2-3.

**eum locum imperatorem populi romani duci, in quem locum ab eo coniecti sunt duces hostium: itaque L. Cornelium Scipionem Asiaticum a collegae vi prohibeo.**

Antias mentions (38, 60, 4-6) Gracchus' intercession, but does not quote the decree.

The first of these alleged decrees apparently is spurious. There is no strong reason for believing that a resolution not to take action in the case would be considered important enough to be preserved in the archives. Besides, this decree is lacking in sense.[15] The eight tribunes promised to defend Lucius Scipio if he would do as their colleague demanded of him, but their colleague would not have molested him had he met his demand. Vetoes probably were not kept in the archives, either, since per se they did not relate to permanent enactments. Possibly Gracchus' decree vetoing the imprisonment was kept in the records of his family, since he must have considered it a memorable act. This decree also is lacking in plausibility, however, for we have no record that Lucius Scipio imprisoned any hostile generals, nor is it likely. Both decrees probably should be rejected. Nevertheless Gracchus apparently did veto Scipio's incarceration, as we learn from the insert in Livy, (38, 56), from Cicero,[16] and from De Viris Illustribus.[17]

Cato's speech "*De Pecunia Regis Antiochi*" may have been another source of accurate information. "M. Cato suasit rogationem (that of the Petillii for an investigation of Lucius Scipio)—exstat oratio eius de pecunia regis Antiochi—et Mummios tribunos auctoritate deterruit, ne adversarentur rogationi," says Livy, (38, 54, 11-12) following Antias. This speech could have furnished corroborative evidence that such a rogation was brought by the Petillii and could have yielded the substance of the debate on the matter. There need be no doubt that Cato delivered such a speech and that like the other speeches of Cato it was in circulation.

Another possible source of accurate information was Pub-

[15] Luca DeRegibus, Il processo degli Scipioni, pp. 40-42.
[16] De Provinciis Consularibus, 8, 18.
[17] 53.

lius Scipio's speech against Naevius. The authenticity of that speech is generally denied because Cicero states that Scipio left no writings. If the conclusion reached on the point in the first chapter be sound, however, the speech was probably unearthed by the researches of Varro not long after Cicero wrote.[18] From the speech Livy learned (39, 52, 3-6) that the prosecution of Publius Scipio took place while Naevius was tribune, which must have been, he says, within a year after December 10, 185, and concluded that Antias had assigned that prosecution to the wrong year.

Varro may have brought to light Tiberius Gracchus' speech as well as Scipio's while he was collecting material for Caesar's library, as was said in the first chapter. Livy's report of the speech and his failure to mention its *index* seem to indicate that he used a paraphrase, not the speech itself. If the contents of the speech are as Livy tells us, they show that Scipio did attack the escort which was taking his brother off to prison and corroborate the other evidence of Gracchus' rescue of Lucius Scipio.

Polybius' two anecdotes probably rest on fairly reliable oral tradition. They are simple and plausible enough and the sort of story that might well have been preserved by Laelius or come down in correct form to the younger Africanus. Gellius repeats them with some additions;[19] possibly Nepos was his immediate source. With these anecdotes the list of probably authentic information ends. The copies of *senatusconsulta* and *plebiscita* in the archives, the speeches of Cato, Scipio, and Gracchus, and the oral tradition utilized by Polybius probably furnished the only reliable material available to historians after Polybius' time.

We find fairly full references to the trials in Gellius and Livy. Gellius tells of the request in the Senate for an accounting, of Minucius' prosecution of Lucius Scipio, and of Naevius' prosecution of Africanus. Livy gives Antias' version, which is by far the fullest that we have. Apparently Livy discovered after he had written about the trials that

[18] See ch. i, nn. 36-38 and their text. [19] IV, 18.

Antias' version was not entirely reliable, so he inserted a chapter (38, 56) expressing his doubts and giving briefly a parallel version of the conclusion of the prosecution of Lucius Scipio by Minucius. Claudius' history seems to have been the chief source of Livy's new data,[20] so that some items probably came from Acilius. Possibly Acilius gave some sound information.

The trials are mentioned elsewhere, but these are our most important sources. Since Antias' account is the fullest, we must constantly have it in mind while we are attempting to reconstruct the proceedings, if only to disagree with it. We need not assume, however, as Mommsen did,[21] that Antias deliberately perverted a reasonably good account which he had before him. It has already been shown that he did not have a reasonably good account. His material was scant and puzzling, even though it included some sound fact. Probably he did not pervert it deliberately; he did his best, but his best was not good. His original equipment was poor. He seems to have had a poor memory for what he had seen in his sources and to have neglected to verify his account by referring to the sources. His confusing the sums of gold and silver in Lucius Scipio's fine (38, 55, 8-13) may be an example. He knew so little about early jurisprudence that he could mistake a tribune's prosecution of Lucius Scipio before the people for a post-Sullan *quaestio,* as Mommsen has shown. He was gullible and apparently preferred sources where the material was in striking form. Apparently he filled in the details of situations of which his sources gave him only the outlines.[22] Sometimes his own clumsiness led him to falsification. For example, he put the prosecution and death of Publius Scipio in 187, instead of in 184 and 183. When he came to the prosecution of Lucius Scipio, he needed someone to replace Africanus (whom he had killed off

[20] A. Klotz, "Zu den Quellen der vierten und fünften Dekade des Livius," in Hermes, L, 533-534.

[21] He gives a list (pp. 491 ff.) of what he considers deliberate falsifications by Antias.

[22] DeRegibus, pp. 18-19.

prematurely) as the defender of the accused and assigned the role to Scipio Nasica. Antias was an extraordinarily careless historian. It is not likely, however, that he deliberately inserted fictitious incidents or invented data such as the names and official records involved in these prosecutions. We may use such data, even though Antias himself could not construct a good account out of them.

Let us now endeavor to reconstruct the facts. The first incident was the dramatic scene in the Senate: in 187 the two Petillii requested Lucius Scipio to render account of the money that he had received from Antiochus before the peace for the pay of the army, and Africanus sent for the books and tore them up in view of the Senate, saying that he was not accountable.

"On another occasion," says Polybius, "when some one in the senate asked him to render an account of the moneys he had received from Antiochus before the peace for the pay of his army, he said he had the account, but he was not obliged to render an account to anyone. When the senator in question pressed his demand and ordered him to bring it, he asked his brother to get it; and, when the book was brought to him, he held it out and tore it to bits in the sight of everyone, telling the man who had asked for it to search among the pieces for the account. At the same time he asked the rest of the house why they demanded an account of how and by whom the three thousand talents had been spent, while they had not inquired how and by whose hands the fifteen thousand talents they were receiving from Antiochus were coming into the treasury, nor how they had become masters of Asia, Africa, and Spain. So not only were all abashed, but he who had demanded the account kept silence." [23]

Scipio's enemies gained nothing by this first attempt except a definite refusal which made an excellent talking point.

The next incident came in the same year, 187. Antias' account of it is universally despised and rejected, but unjustly. The first part of it, through Terentius Culleo's appointment, may well rest upon official records. According to Antias (38, 54-60) the course of the proceedings was as follows: the two tribunes named Petillius proposed to the plebeian assembly a rogation to the effect that the *praetor urbanus,* Servius Sulpicius Galba, should be directed to ask

[23] See DeSanctis, IV, 593, n. 270 for the evidence.

the Senate to appoint a praetor to investigate Lucius Scipio's handling of the money paid him by Antiochus. Two tribunes named Mummius intervened, saying that the Senate could handle such matters, to which the Petillii replied that the nobility were banded together and that the Scipios ruled the Senate. Lucius Furius Purpureo offered an amendment to cover the money received by Manlius Vulso as well as that received by Scipio. Lucius Scipio spoke against the measure; Cato spoke in favor of it and persuaded the Mummii not to interfere. The measure passed, and Sulpicius took it to the Senate, which appointed Q. Terentius Culleo, possibly because he was very friendly to the Cornelian house, possibly because he was their sworn enemy. Culleo convicted Scipio, his quaestor, and one of his legates.[24] Scipio refused to get bond, saying that all the public money he had received was in the treasury, and Culleo started to imprison him. P. Scipio Nasica (for according to Antias' story Africanus was now dead) tried to get the tribunes to interfere for him, but they refused. Finally the tribune Gracchus vetoed the imprisonment, but the judgment was executed. Scipio's worldly goods did not suffice to pay the fine, but his friends and relatives collected for him an amount that would have left him richer than before. He refused it, but allowed them to buy in what he needed to live and give it back to him.

We have already seen that much of this account may rest upon official records, especially the first part, up to the point where Terentius was to begin his investigation. Unfortunately no other ancient author mentions the incidents of Terentius' appointment.[25] Since our evidence is so scanty and piecemeal, we need not conclude that an incident which is mentioned only once is therefore false. The chief argument against accepting this first part of the story is that it does not fit well with the last part and is in itself unusual from

[24] Livy's insert expressing his doubts comes here; Antias' narrative begins again at ch. 58.

[25] If Antias took these names from the list of praetors simply because he needed names for his story, it is strange that he chose one whose appointment by the Senate he found so hard to explain as he did Culleo's.

the legal point of view.[26] We shall see, however, that Antias apparently combined two proceedings through carelessness and ignorance, and that both those proceedings were of an unusual nature. The first part is both plausible and well authenticated.

The rest of Antias' account (38, 55, 4-13; 38, 58-60) of the attack on Lucius Scipio seems to belong to the prosecution by Minucius Augurinus or to be improvisation on the theme of that prosecution.[27] Terentius probably delayed or protracted his investigation until his term of office was over, then let it drop as he retired; the archives, of course, would then give no indication of the result of the investigation. Minucius' prosecution seems to have taken place in 184, although some evidence points toward 187.[28]

As was said before, the fact of Minucius' *irrogatio multae* may have come from the archives. The charge was probably the same as that brought by the Petillii in their rogation in 187—misuse of state funds in his keeping. It may be that Minucius procured a conviction and that Antias' statement about the fines rests on fact. He says (38, 55, 6) that Lucius Scipio was found to have received "quo commodior pax Antiocho daretur" six thousand pounds of gold and four hundred eighty pounds of silver, over and above what he had deposited in the treasury.[29] Livy remarks (38, 55, 8-12) that the smaller weight should have been gold and the larger silver, which would correspond, he says, with the figures Publius Scipio mentioned in the Senate when he was asked for an accounting. Scipio asked why he was to be bothered about four million sesterces when he had brought two hundred mil-

[26] See nn. 34, 35.

[27] Gellius, VI, 19, Cicero, De Prov. Cons., 8, 18, and De Vir. Ill., 53 are our sources for the prosecution by Minucius.

[28] Fraccaro, p. 389, n. 2; the evidence is not conclusive for either year.

[29] Antias tells us that Scipio's legate Hostilius Cato was condemned for eighty pounds of gold and four hundred and three of silver and his quaestor Furius Aculeo for one hundred and thirty pounds of gold and two hundred of silver. The treasury records should have shown that fines were paid, and it may well be that these two men were fined these sums because of their share in diverting some of the five hundred talents.

lion to the treasury. Antias' figures, if reversed as Livy suggests, add up to four million sesterces.[30] That amount would have paid Scipio's army for about a year.[31] We know that the army was given double pay for 190, (37, 59, 6) and the pay for the next year may well have come from the five hundred talents paid by Antiochus. The Scipios evidently regarded the money as booty and believed that they could legally use part of it as pay for the soldiers. Probably they deposited the rest of it in the treasury as booty.

The figures for Lucius Scipio's fine represent an amount which may well have been the amount in question. The edifying tale of the execution of judgment need not be entirely false. At least we may believe that the payment of such a sum might have bankrupted any man of the time. Perhaps it is evidence that 184, not 187, is the correct date for this prosecution, for Lucius Scipio was able to give magnificent games in 186 (39, 22, 8-10).

Although Antias gives us some data which apparently come from Minucius' prosecution, he has presented that prosecution as the conclusion of Terentius Culleo's investigation. He probably did not falsify deliberately. His data were scanty and contained no indication of how Terentius' investigation had ended, and the charge apparently was the

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[30] 1 lb. gold is 4,000 sest., 1 lb. silver 320 sest., 1 talent 24,000 sest. 6,000 lb. silver equals 1,920,000 sest., 480 lb. gold equals 1,920,000 sest.; total 3,840,000, roughly 4,000,000.

[31] Polybius (VI, 39) says two obols (about one-third of a denarius) a day, or 120 denarii a man a year. Livy (37, 2, 1-2) says that there were two legions, or about 9,000 men. The total would be roughly four million sesterces. It is also possible that the two hundred million sesterces referred to by Publius on this occasion represent roughly the amount he had brought into the treasury by 187; it totals roughly two hundred twenty millions, from five sources.

| | | |
|---|---|---|
| 1. | From New Carthage (Livy, 28, 38) | 4,589,440 |
| 2. | From Carthage (Livy, 30, 45) | 42,560,000 |
| 3. | Eleven indemnities of 200 talents from Carthage; No. 2, which is surprisingly large, may include the first two or three payments | 52,800,000 |
| 4. | Booty from Antiochus | 60,000,000 |
| 5. | 2,500 talents from Antiochus | 60,000,000 |
| | | 219,949,440 |

same both times. The legal aspect of the question must have been puzzling to him, and we need not be surprised that he conceived the two proceedings to have been one and similar to a post-Sullan *quaestio*.[32] Antias did not understand the unusual circumstances; he probably imagined that it was a case of embezzlement of the usual kind.

Let us consider the legal aspect of the question.[33] Obviously there was a difference of opinion at the time of the trials as to whether the Scipios were accountable for the five hundred talents. Scipio's view seems to have been that the five hundred, also the twenty-five hundred paid to Manlius Vulso, were not part of Antiochus' regular payments to the treasury, but were to be classed as booty. Booty did not have to be accounted for, but the general had to devote it to the public good, either by giving it to the soldiers, depositing it in the treasury, or devoting it to public works. Cato's testimony against Acilius Glabrio in 190 was intended to prove that Acilius had kept some of the booty for himself, not that he had failed to render an account of it. Scipio's opponents, on the other hand, apparently claimed that the money paid by Antiochus was not booty, but a sum entrusted to him to convey to the treasury, and that he had no right to make use of some of it so that his army could have double pay. To them his using the money was *peculatus,* just as if he had misused some of the money given him from the treasury for the expedition.

It is probable enough that the point had not come up before and that there was an honest difference of opinion. New conditions make new law. This seems to have been only the fifth time that a Roman general had received a large preliminary payment from a conquered enemy and the first time that one had refused to account for it.[34] It may well be that after the scene in the Senate in 187 Scipio's opponents tried to persuade a praetor to take cognizance of the case and met with a refusal on the ground that the facts were not on all

[32] Mommsen, pp. 496-498.
[33] Ibid., pp. 432-455; Fraccaro, pp. 376-380.
[34] Fraccaro, pp. 246-248.

fours with the facts usually establishing *peculatus*. Hence the rogation of the Petillii in the same year; the people and the Senate were to expand the law to meet the new conditions. Hence, too, the apparently unexampled [35] infliction of the fine by the tribune Minucius in 184; such a proceeding had never before been necessary, but in this case it was made necessary by the fact that two other approaches had failed. Small wonder that Antias went astray!

One incident remains to be discussed—the attack on Publius Scipio himself by the tribune Naevius. Antias gives the only connected and complete account of this proceeding (38, 50, 4—53, 8). He is right in saying that Publius Scipio was accused,[36] but he has replaced the accuser, Naevius,[37] with the Petillii, who were the accusers of Lucius Scipio in 187, and has changed the date from 184 to 187.[38] The charge apparently was that Africanus had given Antiochus too favorable terms of peace. Antias has this charge, but he mentions some others, such as Scipio's "Graecizing" at Syracuse and the unfortunate affair at Locri, which can hardly have been serious charges.[39]

Antias gives what purports to be a description of the first two hearings of this process. At the first, he says, (38, 50, 10—51, 6) the tribunes brought their charges and Scipio made no reply except to discourse proudly on the services he had rendered the republic. "Iussus dicere causam sine ulla criminum mentione orationem adeo magnificam de rebus ab se gestis est exorsus, ut satis constaret neminem umquam neque melius neque verius laudatum esse." At the second hearing, says Antias, (38, 51, 6-14) he appeared and carried away the whole crowd to make the round of the temples with him and celebrate the anniversary of Zama.

There are three other notices of orations that could have

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[35] Mommsen, p. 454.
[36] DeSanctis rejects this proceeding entirely.
[37] Naevius is attested as accuser by Livy, 39, 52, where the date of his tribunate is given, and by Gellius, IV, 18, 3.
[38] Mommsen, p. 480; Fraccaro (p. 287) believes 187 correct.
[39] Mommsen, p. 467.

been given at these hearings. Gellius reports that when he was accused by Naevius he carried the whole *contio* away with him to celebrate the anniversary of Zama.[40] Livy speaks in his insert into Antias' story (38, 56, 6) of a speech of P. Scipio against Naevius. The probability that the speech was genuine has been discussed in the first chapter. Polybius says,

> Publius Scipio . . . gained so completely the affection of the people and the confidence of the senate that when some one attempted to bring him to trial before the people according to the Roman practice, making many bitter accusations, he said nothing more when he came forward to defend himself, but that it was not proper for the Roman people to listen to anyone who accused Publius Cornelius Scipio, to whom his accusers owed it that they had the power of speech at all. All the people on hearing this at once dispersed, leaving the accuser alone.[41]

These five notices may all owe their origin to one speech delivered at the first hearing.[42] Antias' report of Scipio's speech at the first hearing is not at all convincing; it sounds as if Antias were sure that he must have spoken at least twice, but had no knowledge of any speech except the "anniversary-of-Zama" one and gave this indefinite report to represent another one. Polybius' words, "he said nothing more when he came forward to defend himself," need not be taken literally; they can mean that he used no other defense than to speak of his services to the State and to invite the people to go with him to the temples to celebrate the anniversary of Zama. Antias and Gellius both mention his taking the people away with him; Antias assigns it to the second hearing. The fact, given us by Livy, that although the *index* of Scipio's speech bore the name of the tribune M. Naevius, the speech itself referred to the accuser only as "*nebulo*" and "*nugator*," is consonant with our other data. Apparently Scipio spoke only at the first hearing and gave the "anniversary-of-Zama" speech. Antias has one speech too many.

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[40] IV, 18, 3-6.
[41] XXIII, 14.
[42] Fraccaro (p. 280) believes that Scipio spoke only once, then using the words Polybius attributes to him; Mommsen (p. 467, n. 101) accepts the two speeches mentioned by Antias.

Mommsen doubtless is right in saying that most of Antias' version of the conclusion of the prosecution of Publius Scipio is to be rejected.[43] Antias tells us that as the wheels of justice continued to turn and Scipio realized that his opponents were determined to convict him, he retired to Liternum to avoid the issue. When the day for the trial came, Lucius Scipio asked for a postponement on the ground that his brother was sick. The tribunes grumbled, but all consented to the postponement except Gracchus; he said that Scipio's trial should not proceed until he chose to return from Liternum and that he would not allow it to proceed then if Scipio asked him to intervene. The meeting was dissolved, and the Senate straightway met, praised Gracchus and reprimanded the Petillii. Scipio died shortly afterward at Liternum. All this, according to Antias, happened in 187.

Gracchus' alleged intervention in the case of Africanus and the subsequent action of the Senate may be dismissed. Since Cicero and Gellius were so impressed with Gracchus' intervention for Lucius Scipio,[44] they would surely have mentioned it had there been any reliable record of his having saved Publius as well. Scipio's retirement to Liternum before his death is generally accepted as probable.[45] The question is whether he was prosecuted first, somehow avoided standing trial, then withdrew in disgust after the trial of Lucius, or was prosecuted after Lucius and withdrew, as Antias asserts, because he could find no other way of avoiding the trial that his enemies were preparing.

Antias may be right. Mommsen maintains that Africanus was prosecuted first, that the Senate sent him on a mission to Etruria, as Livy says, (38, 56, 8) to save him gracefully from his accusers, and that he came back to save his brother from prison. Such a commission would not have put Africanus permanently beyond the reach of his very persistent accusers, however, and the staging of his rescue of his brother

[43] P. 495.
[44] See n. 27.
[45] Mommsen, pp. 481-482; Fraccaro, pp. 402-403.

does not tax the imagination too much if one assume that he had not yet been prosecuted and was in Rome, not Etruria, at the time. However, the evidence is not strong enough to warrant a dogmatic conclusion as to which of the brothers was prosecuted first in 184, and it is enough for us to know that both were prosecuted in that year, that Lucius probably was convicted, and that Africanus decided to retire to Liternum at about that time.

The course of the trials, then, was probably this: in 187 the Petillii, apparently at Cato's urging, asked Lucius Scipio in the Senate to account for the five hundred talents received by him from Antiochus and met with a haughty refusal from Africanus. Knowing that they could gain nothing by appealing to the Senate they took the matter to the people. With Cato's help they carried a *plebiscitum* requesting the Senate to appoint a praetor to investigate the matter. The Senate, although it could have appointed Sulpicius Galba, who was *praetor urbanus* and not notoriously friendly to the Scipios, showed where its sympathies were by appointing Terentius Culleo, the *praetor peregrinus,* who was notoriously friendly to the Scipios. Terentius was able to avoid taking any action during his year of office.

For a couple of years no further attack was made, but very late in 185 or very early in 184 the enemies of the Scipios became active again. We cannot be sure which brother was attacked first. The tribune Minucius Augurinus apparently convicted Lucius Scipio of embezzlement because he had paid his army with part of the five hundred talents paid him by Antiochus. If the tribune Gracchus had not interfered at Africanus' request, Lucius Scipio would have been imprisoned, for he maintained that he had deposited in the treasury all the public money entrusted to him. Finally the opposition became confident enough to prosecute Africanus himself. The charge was that he had allowed himself to be bribed to give Antiochus too easy a peace. Apparently the charge was pressed with such success that he had to retire to Liternum to avoid standing trial.

Obviously some man or group was determined to ruin Scipio and his brother. Who was responsible and what was the motive? Schur's view is that Scipio antagonized all the nobility by his assumption that he ought to be the chief man of the Senate and the controller of its policies, so that the nobility felt compelled to break him in self-protection.[46] The Fabian and Fulvian parties, he says, working especially through Flamininus and Cato, were the most active against Scipio.[47] This view does not take sufficient account of the facts. Scipio was opposed neither to the letter nor the spirit of the constitution of his day. There is no evidence that he regarded usage so lightly that the Senate needed to fear that he was a danger to the constitution, nor is there any evidence that he desired to set himself up as the master of the Senate and was not properly respectful of the wisdom and experience of that body. There is evidence that he would use every legal means to further his own programs. He was a thorough aristocrat and supporter of government by the aristocracy, however, and constitutional usage and the authority of the Senate were in no danger from him.[48]

A more probable explanation is that Cato, who was a personal enemy of Scipio and abhorred all that Scipio stood for politically, was able to gather enough support among the people especially and in the Senate to enable him to discredit Scipio and his policies.[49] The catastrophe followed naturally from the situation which Scipio had created. He, more than anyone else, had led the conservative and somewhat rustic Roman commonwealth toward a new foreign policy and a new culture. The increased expense, obligation, and moral hazard may well have caused some uneasiness even to Scipio's followers, and doubtless aroused alarm among those for whom the political and cultural horizon remained where it

[46] P. 104.
[47] P. 141.
[48] Ed. Meyer, "Hannibal und Scipio," in E. Marcks and K. A. von Müller, Meister der Politik, I, 138.
[49] T. Frank, "Rome," in The Cambridge Ancient History, VIII, 370; DeSanctis, IV, 590. See E. Pais, "Questione catoniani," in Historia, VI, 367-375.

had been in their fathers' day. Further, various members of the Scipionic group had given Cato just cause for attacking their conduct, and that uncouth moralist utilized every opportunity with the peculiar zeal which he showed in exploiting the moral shortcomings of men of culture and refinement.

Cato's personal enmity to Scipio and his feeling that Scipio's probity was not beyond question must have begun at the time when Scipio objected to Cato's officiousness as quaestor and sent him home from Sicily. During the period of the eastern wars Cato became plebeian aedile, praetor, and consul. His consulate in 195 with Valerius Flaccus was the only complete break in a long series of Scipionic consuls. Possibly he was known then as an opponent of the eastern policy of the Scipios and gained the consulship partly because of a temporary popular reaction against the continued warfare. As was said in the preceding chapter, we have no clear evidence that Cato had any close political allies among the nobility except Valerius Flaccus and perhaps Caecilius Metellus. There must have been a conservative element in the Senate, however, on which he could usually count for support. His attitudes appealed more to the people than to the nobility, and when the disadvantages of the Scipionic policy became apparent, the people were ready to support Cato in his atacks on the policy.

From the year 190 on Cato was active against members of the Scipionic group. In that year he attacked Q. Minucius Thermus for his cruel treatment of some Ligurians. This, of course, cannot be construed as an attack on the Scipionic group as such or on its policies and their results. Others of his many attacks demonstrate, however, that he was concerned with the problems raised by the eastern wars. He brought charges against Acilius Glabrio of taking booty for his own use. In 187 he attacked Fulvius Nobilior for distributing military honors not fairly earned and for taking Ennius with him on campaign to gather material for a poem in his praise.[50] Apparently the conservatives felt that the

[50] Gellius, V, 6, 24.

discipline of the army was in danger; there may well have been a feeling that Scipio's giving double pay to his army in 190 was a dangerous step. Two other fragments of speeches illustrate Cato's attitude. Gellius says,

Sed enim M. Cato in oratione, quam de praeda militibus dividenda scripsit, vehementibus et inlustribus verbis de inpunitate peculatus atque licentia conqueritur. Ea verba, quoniam nobis inpense placuerant, adscripsimus: Fures, inquit, privatorum furtorum in nervo atque in compedibus aetatem agunt, fures publici in auro atque in purpura.[51]

Priscian gives us this:

Cato censorius in oratione, quam scripsit, uti praeda in publicum referatur: miror audere atque religione non tenerei, statuas deorum, exempla earum facierum, signa domi pro supellectile statuere.[52]

Cato also registered his disapproval of the conduct of Manlius Vulso in Asia. Finally he found an excuse (perhaps it were fairer to say "a reason") for attacking the Scipios.

The influence of the Scipionic group was definitely on the wane. The consuls for 187, Aemilius Lepidus and C. Flaminius, apparently were interested in Italy and its problems and were not allied with the Scipionic group. Their first official act was to demand the recall of the eastern armies, (38, 42, 9-10) and their consulship was a profitable one for Italy. The Scipios were still too strong for Cato, however. Africanus refused in the Senate to account for the five hundred talents received from Antiochus, and the Senate shelved the *plebiscitum* requesting an investigation by appointing Terentius Culleo as the investigator. Cato discovered that the time had not come.

He waited, and his influence grew. We can deduce very little from the choice of consuls for the next three years. At least it is certain that they were not of the Scipionic group. There are other indications of change, however. The policy in colonization became distinctly less liberal with regard to the allies at this time.[53] The famous incident of the suppression of the Bacchic rites in 186 shows the narrowness of Cato's policy, for the Senate openly disregarded the rights

[51] XI, 18, 18.
[52] GLK, II, 367, 14.
[53] Frank, "Rome," pp. 354, 373.

of the allies.[54] As has already been said, the embassy to Greece in 185 headed by Caecilius Metellus distinguished itself by unsympathetic and unreasonable treatment of the Greeks. The Scipionic policy of sweet reasonableness toward the eastern peoples was in eclipse. Cato's election to the censorship in 184 against such competitors as Lucius Scipio, Scipio Nasica, Manlius Vulso, and Fulvius Nobilior is clear evidence that a strong reaction in favor of the old ways had set in among the people, at least, for there was no doubt what the character of his censorship would be.

Apparently Cato resumed his attack on the Scipios very shortly before his election to the censorship with L. Valerius Flaccus. The fact that Cato as censor named Flaccus *princeps senatus* is evidence that Scipio must have been in retirement at Liternum, but not necessarily dead,[55] before the censors had gone very far with their work (39, 52). Cato probably realized, even before his election, that his own influence was growing and that he could hope to prosecute the Scipios successfully. Of course he had the added motive of eliminating Lucius Scipio as a candidate for the censorship and discrediting to some extent the other candidates of the Scipionic group.[56] Very late in 185 or early in 184 the people convicted Lucius Scipio of embezzlement, and he would have suffered the disgrace of imprisonment had not Gracchus, a political enemy, been large-spirited enough to prevent it. Africanus was charged with treason for not trampling on a fallen enemy and apparently had to retire from political life and from Rome to avoid standing trial. His influence with both the Senate and the people must have been gone. Cato and the narrow, reactionary element which he represented had won a complete victory, personal and political, although they were soon to find that their reactionary measures could not restore Rome to its former political and cultural isolation. Scipio died discredited and disgraced, but he had permanently changed the course of Roman history and world history.

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[54] Ibid., p. 352. [55] DeRegibus, p. 47. [56] Fraccaro, p. 395.

# CONCLUSIONS

The Scipio legend is not the invention of one man or one age. Some Greek historians who wrote before Polybius regarded Scipio as somewhat divine because he seemed to be the darling of Tyche, or fortune, and his soldiers probably had the same feeling, which they expressed by calling him *felix*. There is a strong probability that he was apotheosized in Greece as Flamininus was and that Ennius in Rome wrote of him as a hero, but not as a god. Possibly the Roman people proposed after Zama to make him perpetual consul and dictator and to put his *imago* in the *cella Iovis;* it is also possible that his family did put his *imago* there after his death. The stories of his divine parentage and of his daily sojourn in Jove's temple, which were current before our era, are both false and probably were invented by some Greek after Polybius wrote.

Polybius' theory that Scipio pretended to divine inspiration to make his soldiers fight better is to be rejected. Polybius apparently had no evidence for his view except the incident of the ebb at the capture of New Carthage. In considering that incident he allowed himself to be led astray by his conviction that intelligible causes can always be discovered and that the good commander owes nothing to chance, and attempted to show that Scipio knew every detail of the action of the ebb and was planning to use it as a miracle to gain credit for divine inspiration, whereas Scipio knew only that the ebb might occur and had included it in his plans only as a possibility. Polybius did not get this conception from Laelius and did not check his finished account by Laelius, or he would not have fallen into such an error. Scipio's behavior at New Carthage does not indicate mysticism, nor does any of his conduct on other occasions.

The last three chapters deal with Scipio's relation to the policies and parties of his day. Scipio was sent to Spain as

proconsul in 210 because an acute shortage of first-class men made Claudius Nero's recall necessary and Scipio was the man best fitted to replace him. We can name a number of his political allies of this period; the Servilii and the Aelii Paeti were the only ones who were important allies of his during the rest of his life. During the period of the wars with Philip and Antiochus Scipio was the leading citizen of Rome, and almost all the nobles who attained any importance during that period were associated with him. He was a strong philhellene and furthered the appropriation of Hellenic culture by the Romans. His associates apparently shared his philhellenism, and the Scipionic group put Flamininus forward to conduct the war with Philip because he was the best man to conduct the war on philhellenic lines and gave eastern policy a definitely philhellenic turn by having Flamininus insist on the liberation of all the Greeks. They also liberalized foreign policy by enrolling the conquered monarchs as *amici* instead of as *socii,* and by not enrolling any of the Greek republics as *socii,* thus changing to the more flexible system of alliance used by other states.

After 188 the downfall of the Scipios began. The consuls after that year were not of the Scipionic group, and a new harshness in foreign policy and in the treatment of the Italian allies shows that his influence was on the wane. Cato was his chief enemy, personally and politically, and was chiefly responsible for the attacks on him. The *plebiscitum* of 187 requesting the Senate to appoint an investigator of Lucius Scipio's handling of the five hundred talents received from Antiochus and the Senate's appointment of Terentius Culleo, as related by Antias, probably rest on official records and are to be accepted as authentic. Culleo probably smothered the investigation. Antias seems to have given the well-attested prosecution of Lucius Scipio by the tribune Minucius Augurinus, which probably should be dated 184, as the conclusion of Culleo's investigation. Minucius may have convicted Lucius Scipio of embezzling a sum which would represent a year's pay for his army out of the five hundred talents, al-

though the Scipios apparently believed that that money was booty and could legitimately be used for the pay of the army. Finally the tribune Naevius prosecuted Publius Scipio, but did not succeed in bringing him to trial. Cato and the other reactionaries had completely discredited Scipio and his policies.

# BIBLIOGRAPHY


I. ANCIENT.

Appian, Iberia.
Cassius Dio, frg. 57.
Cicero, passim.
De Viris Illustribus, 49 and 53.
Lactantius, Divinae Institutiones, 1.
Livy, 26-39.
Cornelius Nepos, Hannibal.
Polybius, passim.
Plutarch, passim.
Valerius Maximus, passim.

II. MODERN.

(a) Books.

Colin, G., Rome et la Grèce de 200 à 146 avant Jésus-Christ, Paris, 1905.
DeRegibus, L., Il processo degli Scipioni, Torino, 1921.
DeSanctis, G., Storia dei Romani, 4 vols., Torino, 1916-23.
Dessau, H., Inscriptiones Latinae Selectae, 3 vols., Berlin, 1892-1917.
Dittenberger, W., Sylloge Inscriptionum Graecarum, 4 vols., Leipzig, 1915-24.
Farnell, L. R., Greek Hero Cults and Ideas of Immortality, Oxford, 1921.
Fowler, W. W., The Religious Experience of the Roman People, London, 1911.
Frank, T., Roman Imperialism, New York, 1914.
Giannelli, G., Culti e miti della Magna Grecia, Firenze, 1924.
Holleaux, M., Strategos Hypatos, Paris, 1918.
Hondius, J. J., Supplementum Epigraphicum Graecum, 5 vols., Leyden, 1923-31.
Jacoby, F., Die Fragmente der griechischen Historiker, 2 vols., Berlin, 1923-30.
Kahrstedt, U. Vol. III of Otto Meltzer's Geschichte der Karthager, Berlin, 1913.
The Mediterranean Pilot, H. O. No. 151, U. S. Gov't Printing Office, Washington, 1930.
Meyer, Ed., Caesar's Monarchie und das Principat des Pompeius, Stuttgart and Berlin, 1919.
——, Kleine Schriften, 2 vols., Halle a. S., 1924.
Mommsen, T., History of Rome (Dickson's tr.) New York, 1891.
——, Römische Forschungen, Berlin, 1864.
——, Römisches Staatsrecht, 3rd ed., Leipzig, 1887.
Müller, C., Fragmenta Historicorum Graecorum, Paris, 1848-74.
Münzer, F., Römische Adelsparteien und Adelsfamilien, Stuttgart, 1920.
Nissen, H., Kritische Untersuchungen über die Quellen der vierten und fünften Dekade des Livius, Berlin, 1863.

Peter, H., Historicorum Romanorum Reliquiae, 2 vols., Leipzig, 1883.
Pfister, F., Der Reliquienkult im Altertum, 2 vols., in Religionsgeschichtliche Versuche und Vorarbeiten, ed. Dieterich und Wünsch, Giessen, 1909-12.
Platner, S. B., and Ashby, T., A Topographical Dictionary of Ancient Rome, London, 1929.
Roscher, W. H., Lexikon der griechischen und römischen Mythologie, Leipzig, Teubner, 1884.
Schanz, H., and Hosius, C., Römische Literaturgeschichte (*Handbuch der Altertumswissenschaft*, VIII, part 1) München, 1927.
Schmid, W., Griechische Literaturgeschichte (Handbuch der Altertumswissenschaft, VII, part 2, first half), München, 1911.
Schur, W., Scipio Africanus und die Begründung der römischen Weltherrschaft, Leipzig, 1927.
Scullard, H. H., Scipio Africanus in the Second Punic War, Cambridge, 1930.
Siegfried, W., *Studien zur geschichtlichen Anschauung des Polybios* (Diss. Heidelberg), Leipzig, 1928.
Tarn, W. W., Hellenistic Civilization, London, 1927.
Taylor, Lily R., The Divinity of the Roman Emperor, Am. Philological Assn., Middletown, Conn., 1931.
Vahlen, J., Enniauae Poesis Reliquiae, Leipzig, 1903.
Wissowa, G., Religion und Kultus der Römer, (Handbuch der Altertumswissenschaft, V, part 4) München, 1912.
Zeller, E., The Stoics, Epicureans, and Skeptics, London, 1870.

(b) Articles.

Anderson, Andrew R., "Heracles and His Successors," Harvard Studies in Classical Philology, XXXIX.
Bailey, C., "Roman Religion and the Advent of Philosophy," *Cambridge Ancient History*, VIII, London.
Bickermann, E., "Bellum Antiochicum," Hermes, LXVII.
DeSanctis, G., "Una lettera degli Scipioni," Atti della Accademia di Torino, LVII.
Ferguson, W. S., "Legalized Absolutism En Route from Greece to Rome," American Historical Review, XVIII.
Fraccaro, P., "I processi degli Scipioni," Studi storici per l'antichità classica, IV.
Frank, T., "Rome," Cambridge Ancient History, VIII.
——, "*Naevius and Free Speech*," *American Journal of* Philology, XLVIII.
Guarducci, M., "Gli Scipioni in una nuova iscrizione cretese," Rivista di Filologia, VII (N. S., 1929).
Hallward, B. L., "Scipio and Victory," Cambridge Ancient History, VIII.
Holleaux, M., "La lettera degli Scipioni agli abitanti di Colofone a mare," Rivista di Filologia, II (N. S., 1924).
——, "L'entretien de Scipion l'Africain et d'Hannibal," Hermes, XLVIII.
——, "Rome and Macedon," Cambridge Ancient History, VIII.
Homo, L., "Flamininus et la politique romaine en Grèce," Revue Historique, CXXII.

Klotz, A., "Zu den Quellen der vierten und fünften Dekade des Livius," Hermes, L.
Laqueur, R., "Scipio Africanus und die Eroberung von Neukarthago," Hermes, LVI.
Meyer, Ed., "Hannibal und Scipio," Meister der Politik, Stuttgart and Berlin, 1923.
Niccolini, G., "La questione dei processi degli Scipioni," Rivista di storia per l'antichità classica, IV.
Nicorescu, P., "La tomba degli Scipioni," Ephemeris Dacoromana, I.
Nock, A. D., "Sunnaos Theos," Harvard Studies in Classical Philology, XLI.
Pais, E., "Questione catoniani," Historia, VI.
Passerini, A., "Studi di storia ellenistico-romana," Athenaeum, IX and X (N. S., 1931-32).
Pauly-Wissowa, Real-Encyclopädie der classischen Altertumswissenschaft, various articles.
Seyrig, H., "Inscriptions de Gythion," Revue Archéologique, XXIX.
Stern, E. von, "Tiberius und Gaius Gracchus," Hermes, LVI.

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